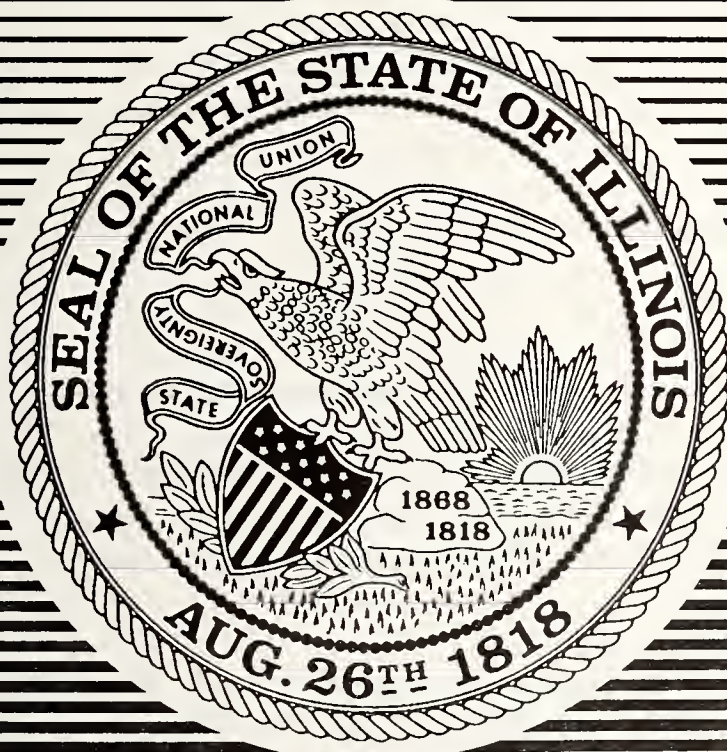


2001

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

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Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
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Issue 7	February 5	February 16	Issue 34	August 13	August 24
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Issue 18	April 23	May 4	Issue 45	October 29	November 9
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Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
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Issue 22	May 21	June 1	Issue 49	November 26	December 7
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Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 360

AFFORDABLE HOUSING PROGRAM

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

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AUTHORITY: Implementing Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)] and authorized by Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1991; emergency amendment at 18 Ill. Reg. 2124, effective January 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8663, effective May 25, 1994; amended at 22 Ill. Reg. 4321, effective February 4, 1998; amended at 23 Ill. Reg. 3692, effective March 15, 1999; amended at 23 Ill. Reg. 8819, effective July 26, 1999; emergency amendment at 24 Ill. Reg. 14065, effective September 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 2416, effective January 24, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 360.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Advisory Commission": The Affordable Housing Advisory Commission.

"Affordable Housing": Residential housing that, so long as the same is occupied by Low-Income Households or Very Low-Income Households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of the maximum allowable income as stated for such households as set forth in Section 360.904(b)(1) and (2) of this Part.

"Affordable Housing Act": The Illinois Affordable Housing Act [310 ILCS 65].

"Affordable Housing Bond Program Rules": 47 Ill. Adm. Code 365.

"Affordable Housing Program Trust Fund Bonds or Notes": The bonds or notes issued by the Authority under the Act to further the purposes of

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

the Affordable Housing Act.

"Applicant": The person or entity applying for an allocation of monies from the Trust Fund. An individual applying for funds to acquire, rehabilitate, construct or finance a Single-Family Development that is or would be owned or occupied by such individual may not be an Applicant.

"Authority": The Illinois Housing Development Authority.

"Clearinghouse": The person in the Office of the Governor designated by the Governor to provide notice to appropriate State and local agencies of proposed Developments or Single-Family Developments.

"Development": A Multi-family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Director": The Director of the Authority.

"Grant": A grant from the Authority to a Recipient to be used in connection with a Development or Single-Family Development.

"Loan": A loan from the Authority to a Recipient to be used in connection with a Development or Single-Family Development.

"Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437c-1437f).

"Members": The Members of the Authority.

"Multi-family Housing": A building or buildings providing housing to 5 or more households.

"Note": The document executed as evidence of a Borrower's indebtedness under a Loan and any supplements thereto and modifications or amendments thereof.

"Part": This Part 360.

"Participant Selection Plan": The participant selection plan approved by the Authority for a Single-Family Development.

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NOTICE OF PROPOSED AMENDMENTS

"Program": The Illinois Affordable Housing Program.

"Real Estate": The real property upon which a Development or Single-Family Development is to be or has been constructed.

"Recipient": An individual, A proprietorship, partnership, for-profit corporation, not-for-profit corporation, unit of local government, the Illinois Housing Development Authority, or the entity that holds legal title to the Development or Single-Family Development, or when the Development is held in a Trust, the entity owning the beneficial interest in a Trust that receives Trust Fund Monies from the Authority.

"Rules": The rules and regulations of the Authority as supplemented and amended from time to time.

"Single-Family Development": A Single-Family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Single-Family Housing": A building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 3 of the Mobile Home Landlord and Tenant Rights Act [765 ILCS 745/3].

"Staff": The Director and the employees of the Authority.

"State": The State of Illinois.

"Tenant": The person, family or unrelated persons leasing a Single-Family Development or a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust which holds legal title to a Development or Single-Family Development.

"Trustee": The trustee of a Trust holding legal title to a Development.

"Trust Fund": The Illinois Affordable Housing Trust Fund.

"Trust Fund Monies": All monies, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts or funds deposited or to be deposited in the Trust Fund pursuant to Section 5(b) of the Affordable Housing Act and any proceeds, investments or increases thereof.

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"Utility Allowance": The cost of utilities, except telephone, based on reasonable consumption of these utilities.

"Very Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437e-1437f).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART F: LOANS AND GRANTS

Section 360.606 Prepayment of Loan

The Authority may prohibit the prepayment of a Loan for a Development if the Authority determines that such prepayment will result in:

a) the rents charged at the Development exceeding the limits set forth in Section 360.904(b) of this Part at the time of the prepayment;

b) the Development being converted to condominiums or cooperatives; or

c) a conflict with the Authority's goal of providing affordable housing.

The Authority may allow the prepayment of a Loan for a Development if the Authority determines that the prepayment is in the best interest of the community in which the Development is located.

~~The Authority shall prohibit the prepayment of a loan for a Development if such prepayment--shall--result in the rents charged at the Development exceeding the limits set forth in Section 360.904(c) of this Part.~~

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Universal Newborn Hearing Screening Program

2) Code Citation: 89 Ill. Adm. Code 504

3) Section Numbers: Proposed Action:

504.10	New
504.20	New
504.30	New
504.40	New
504.50	New
504.60	New

4) Statutory Authority: Implementing and authorized by the Hearing Screening for Newborns Act [410 ILCS 213].

5) A Complete Description of the Subjects and Issues involved: This rulemaking is required by new legislation, P.A. 91-0067 that requires that all hospitals performing deliveries to conduct hearing screening of newborns prior to hospital discharge.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: EARLY CHILDHOOD SERVICES

PART 504

UNIVERSAL NEWBORN HEARING SCREENING PROGRAM

Section

504.10	Newborn Hearing Screening Program Goals
504.20	Definitions
504.30	Hospital Screening
504.40	Reporting and Tracking
504.50	Access to Diagnostic Testing
504.60	Newborn Hearing Screening Advisory Committee

AUTHORITY: Implementing and authorized by the Hearing Screening for Newborns Act [410 ILCS 213].

SOURCE: Added at 25 Ill. Reg. _____, effective _____.

Section 504.10 Newborn Hearing Screening Program Goals

- All infants born in Illinois will have their hearing screened.
- All newborns referred from the Illinois Newborn Hearing Screening Program will have diagnostic testing completed by three months of age.
- All infants diagnosed with significant hearing loss will receive appropriate treatment, including hearing aids, and be enrolled in the Illinois Early Intervention System by six months of age.

Section 504.20 Definitions

"Audiologist" means a person licensed by the State of Illinois to provide audiologic services.

"Auditory Brainstem Response (ABR)" means electrophysiologic measurement of the brainstem's response to the acoustic stimulation of the ear.

"Automated Auditory Brainstem Response (AABR)" means objective electrophysiologic measurement of the brainstem's response to acoustic stimulation of the ear, obtained with equipment that automatically provides a pass/refer outcome.

"Diagnostic Audiological Evaluation" means, for the purposes of this Part, the physiologic and behavioral procedures required to evaluate and diagnose hearing status.

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"DSCC" means the Division of Specialized Care for Children located at the University of Illinois at Chicago.

"Hospital" means, for the purposes of this Part, a facility licensed by the State of Illinois for birthing babies.

"DHS" or "Department" means Illinois Department of Human Services.

"IDPA" means Illinois Department of Public Aid.

"IDPH" means Illinois Department of Public Health.

"MCH" means Maternal and Child Health.

"Medical Diagnostic Evaluation" means, for the purposes of this Part, the examination and medical procedures provided by an otologist to evaluate otologic status.

"Otoacoustic Emissions Testing" means a specific test method that elicits a physiologic response from the outer hair cells in the cochlea, and may include Transient Evoked Otoacoustic Emissions (TEOAE) and/or Distortion Product Otoacoustic Emissions (DPOAE).

"Screening" means the completion of one or more objective, physiologic, electronic tests administered to determine the infant's hearing status in each ear and the need for further diagnostic testing by an audiologist and physician. The screening shall be performed by individuals who have been appropriately trained in the procedure and instrumentation used by the hospital.

Section 504.30 Hospital Screening

a) Population

- All hospitals performing deliveries will provide bilateral hearing screening to infants born in their institution. In the event that a newborn fails, the hospital shall provide another screening (rescreening). These screenings shall be provided prior to discharge.

- If a newborn is transferred without written documentation of a completed hearing screening, the hearing screening will be completed by the receiving hospital, prior to discharge.

- All hospitals performing deliveries will make provisions to screen infants born in the home or other location outside the hospital when requested by the parents or the child's physician.

b) Parental Information/Consent

- The provisions of the Act shall not apply when the newborn's parent or guardian objects in writing on the grounds that the screening conflicts with his/her religious beliefs or practices

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

and presents a written objection to a physician or other person whose objective it is to obtain the screening.

- 2) All hospitals shall provide information, to the parents/guardian considering refusal, about newborn hearing screening that shall include: the purposes and benefits of newborn hearing screening, indications of hearing loss, what to do if the parent/guardian suspects a hearing loss, and procedures used for hearing screening.

c) Documentation

- 1) The hospital shall provide written information to all parents giving birth or transferred to its facility and to the infant's primary care provider, when identified, that includes procedures used for hearing screening, limitations of screening procedures and results of the hearing screening.
- 2) In the event that an infant fails the screenings, the hospital shall provide written information to the parents recommending further diagnostic testing and explaining how diagnostic tests may be obtained.
- 3) The hospital shall maintain written documentation in the infant's clinical record. The documentation shall include: procedures used for hearing screening, time and location for the screening, individual administering the screening test, outcome of the screening, and recommendation for further testing.

d) Personnel

- 1) Newborn hearing screening shall be performed by an individual who is appropriately trained and supervised, according to guidance provided by the Illinois Department of Human Services.
- 2) Each hospital shall identify a liaison to the Universal Newborn Hearing Screening (UNHS) program at the Department of Human Services and at the Department of Public Health.

e) Equipment

- 1) Technology for screening as set forth in this Part must:
 - A) measure a physiologic response;
 - B) be implemented with objective response criteria;
 - C) use a procedure that measures the status of the peripheral auditory system and that is highly correlated with hearing status;
 - D) be designed for newborn hearing screening.
- 2) The methodology used should detect, at a minimum, all infants with unilateral or bilateral hearing loss greater than or equal to 35 dBHL.
- 3) The methodology used should have a false-positive rate (the proportion of infants without hearing loss who are labeled incorrectly by the screening process as having significant hearing loss) of 3% or less.
- 4) The methodology used ideally should have a false-negative rate (the proportion of infants with significant hearing loss missed by the screening program) of zero.

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Section 504.40 Reporting and Tracking

- a) Hospitals shall report screening results to the Illinois Department of Public Health (IDPH).

- 1) Hospitals shall report all required data per IDPH reporting requirements and methods, including the use of IDPH forms and electronic data system at such time as it becomes available.

- 2) On a monthly basis, hospitals shall report aggregate data regarding their universal newborn hearing screening activities. The report shall include: number of live births, number of newborns screened, number of newborns passing screening, number of refused, number of newborns failing screening, and number of newborns referred for further diagnostic testing.

- 3) In order to capture all children who may have a hearing loss, infant specific information shall be reported to IDPH within 5 business days after the hearing rescreening for infants who fail the rescreening and for those who miss the hospital screening or rescreening. The infant specific information shall include the infant's name, date of birth, mother's name and address, mother's maiden name, name and address of infant's physician, when known, and date of referral for further testing.

- 4) Outpatient screenings and rescreenings must be completed and reported to IDPH within 30 days after the discharge of the infant.

- b) IDPH will establish a registry of infants in need of follow-up as a result of the newborn hearing screening program.

The registry will include all infants who did not pass the newborn hearing screening in the hospital and who did not file a written religious exemption.

- c) IDPH will notify the infant's physician, as indicated on the referral document. IDPH will provide written notification to both the infant's physician listed on the hospital record and the parents/guardians, within 5 business days after the receipt of the hospital report, regarding the need for follow-up for infants failing the screening.

- d) Persons who conduct any procedure necessary to complete an infant's hearing screening or diagnostic testing shall report this information to IDPH. Diagnostic testing results shall be reported within 30 days after testing.

- e) When hearing loss is confirmed, IDPH will have a procedure for referral to the Early Intervention Program, to DSCC, and to the MCH Family Case Management Agency.

- f) IDPH will notify the local perinatal follow-up agency, in writing, of infants with no reported diagnostic testing 60 days after the initial hospital report regarding the screening failure.

- g) The local perinatal follow-up agency will provide appropriate follow-up services and report results to IDPH.

Section 504.50 Access to Diagnostic Testing

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- a) DSCC shall provide assistance to families of infants referred from the Universal Newborn Hearing Screening Program in order to help them obtain diagnostic testing to the extent the families wish assistance.
- b) Referrals for children potentially eligible for Early Intervention services under the Early Intervention Services System Act [325 ILCS 20] must be made upon confirmation of hearing loss.

Section 504.60 Newborn Hearing Screening Advisory Committee

- a) The Newborn Hearing Screening Advisory Committee shall consist of representatives from:
- 1) Audiologists;
 - 2) Chicago Department of Public Health;
 - 3) Early intervention providers;
 - 4) Health insurance plans;
 - 5) Illinois Department of Human Services;
 - 6) Illinois Department of Public Aid;
 - 7) Illinois Department of Public Health;
 - 8) Parents of children with hearing loss;
 - 9) Pediatric Association;
 - 10) Persons with hearing loss;
 - 11) Public and private hospitals;
 - 12) Division of Specialized Care for Children at the University of Illinois at Chicago.
- b) The advisory committee shall:

- 1) Develop and conduct training for hospitals implementing newborn hearing screening.
- 2) Develop a tracking and follow-up program for diagnostic hearing testing for those infants failing hospital-based screening, in order to diagnose congenital hearing loss.
- 3) Develop a referral system to early intervention services and for hearing amplification for those infants diagnosed with hearing loss.
- 4) Develop an application process for financial assistance by the Division of Specialized Care for Children for follow-up diagnostic hearing testing of newborns failing hospital-based screening.
- 5) Develop educational and informational materials for hospital personnel, health care professionals, and parents on appropriate follow-up procedures for infants failing hospital-based screening.
- 6) Monitor any reports made available to the State with respect to the hearing screening status of all newborns.
- 7) Monitor the availability of third party reimbursement for universal hospital-based hearing screening of newborn infants.
- 8) Review administrative rules and make recommendations to the Department regarding those rules.

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3) Section Numbers: Proposed Action:
1770.180 Amendment
1770.200 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.
- 5) A Complete Description of the Subjects and Issues Involved:
A common method of selecting the winners in a Lottery promotional drawing is by a random drawing from entry forms or tickets. The amendment to Section 1770.180(b) memorializes this method of winner selection. The amendment to Section 1770.180(b) also changes "door" prizes to "incidental or participation" prizes, as the latter terms were thought to be more appropriate to the Lottery's activities.

The language of Section 1770.200(a), concerning the Director's option to contractually prohibit certain vendors from playing the Lottery, was previously incomplete. The amendment completes the provision.

- 6) Will these amendments replace any emergency amendments currently in effect? No
- 7) Do these amendments contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part No
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands a State Mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these proposed amendments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be directed to:

Lisa Crites
Rules Coordinator
Illinois Lottery
201 E. Madison St.
Springfield IL 62702

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

217/524-5253

Fax: 217/524-5235

TDD: 217/524-5250

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The change to Section 1770.180(b) will have no impact (positive or negative) on small businesses, small municipalities and not for profit corporations. While Section 1770.200(a) impacts small businesses, small municipalities or not for profit corporations having or seeking a contract with the Illinois Lottery, the amendment itself merely clarifies the existing provision and will not impact such entities positively or negatively.

B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are imposed by these proposed amendments.

C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance with these proposed amendments.

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE C: LOTTERY

CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770

LOTTERY (GENERAL)

Section	
1770.10	Definitions
1770.20	Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
1770.150	Sales, Inspection, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming of Prizes and Transfers to Common School Fund
1770.200	Eligibility to Buy
1770.210	Sale of Promotional Items
1770.220	Priority of Rules

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22

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Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 22298, effective December 14, 1998; amended at 24 Ill. Reg. 16061, effective October 13, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 1770.180 Drawings

- a) All drawings utilizing a manual selection process of air-driven or gravity selection equipment shall be open to the public in a manner consistent with game security and facilities requirements and shall utilize such mechanical devices and following such procedures as are established by this Part and the game rule issued by departmental directive.
- b) The Department may award prizes of cash or merchandise as incidental or participation prizes at drawings, as special events and in connection with promotions. Winning entries or winning numbers shall be drawn at random to determine such special prizes according to procedures determined by the Director from time to time and announced in appropriate directives.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1770.200 Eligibility to Buy

No ticket shall be purchased by, and no prize shall be paid to any of the following persons:

- a) Any member of the Board or any officer or other person employed by the Board or by the Department; also any employees of any TV station from which lottery drawings originate who are directly involved in the production of drawing telecasts, including floor director, camera operators, stage hands, character generator operators, air control technicians, announcer and performer for each telecast; the employees of any advertising agency, public relations agency or any consultant employed by the Department who are directly involved in a Lottery engagement; and further those employees, of audit firms, performing on site contractual audit services with respect to Department's operations. In the event the Director determines that purchases of tickets by employees of any vendor of goods or services to the Department or Board may jeopardize the security or integrity of the Lottery, the Director will provide by rule or by contract with the vendor that no ticket shall be purchased by, and no prize shall be paid to, any officer or employee of the vendor, or certain officers of the employee or vendor, at the Director's discretion;
- b) Any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any person designated in subsection (a) of this Section; or

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c) Any person under the age of 18. (Section 15 of the Act)
(Source: Amended at 25 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Unusual Incidents
- 2) Code Citation: 89 Ill. Adm. Code 331
- 3)

<u>Section Numbers</u>	<u>Adopted Action:</u>
331.1	Repealed
331.2	Repealed
331.3	Repealed
331.4	Repealed
331.5	Repealed
331.6	Repealed
331.7	Repealed
331.10	New
331.20	New
331.30	New
331.40	New
331.50	New
331.60	New
331.70	New
331.80	New
331.90	New
- 4) Statutory Authority: The Abused and Neglected Child Reporting Act [325 ILCS 5]; Section 33.1 of the Criminal Code of 1961, as amended [720 ILCS 5]; The Children and Family Services Act [20 ILCS 505]; and the Child Care Act of 1969 [325 ILCS 10].
- 5) Effective Date of Amendments: June 15, 2001
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 23, 2000, 24 Ill. Reg. 8442.
- 10) Has JCARE issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 331.20, the definition of "confinement" was revised to read:
 "'Confinement' means isolating a child or youth in a restricted area away from other children or staff as their behavior poses a threat of physical harm to self or to others. 'Confinement' does not include restricting a

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child to an unlocked room in a foster home, relative home or day care home for a reasonable period of time (commonly known as "timeout"). "Confinement" is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities)."

Also in Section 331.20, the following definitions were added in alphabetical sequence: "Emotional/verbal abuse", "Expelled from school", "Falsification of credentials", "Falsification of records or statements", "Medical emergency", "Misrepresentation of services", "Misrepresentation of the costs of services", "Psychiatric emergency", "Restraint", "Sexually aggressive behavior", "Sexually problematic behavior", "Suicide ideation", "Suspected alcohol or substance abuse", and "Suspended from school".

In Section 331.20, in the definition of "runaway", the reference to being missing for a 24-hour period was deleted.

In Section 331.40(b), incidents of self-inflicted and accidental injury/wound were modified to include that they require medical attention.

In Section 331.40, "medication reaction" was deleted and incorporated into the definition of "medical emergency".

In Section 331.40(b), incidents of "sexual penetration" and "sexual misconduct" were re-named to "sexually aggressive behavior" and "sexually problematic behavior" respectively, and the separate reference to "sexually aggressive/problematic behavior" was deleted.

Also in Section 331.40(b), the reference to "property damage" was modified to specify damage of \$50 or more.

In Section 331.50(a), the language was revised to delete reporting that an employee was "suspected" of a crime and to specify reporting that the employee had been "charged" with committing a crime. In that same subsection, language was added to clarify that threats against staff or a facility require reporting regardless of the source of the threat.

In Section 331.50(e), the following language was added to clarify which incidents having media impact require reporting under this Part: "Such incidents include, but are not limited to, those that involve a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a purchase of service provider, or litigation affecting a purchase of service provider."

In Section 331.60, the language was revised to reflect that the Department's Inspector General would be the recipient of reports of possible criminal activity by licensed foster parents and caregivers.

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Section 331.70 was revised to reflect that a child welfare worker and his or her supervisor are primarily responsible for review and disposition of unusual incidents occurring in their caseload and that the Director of the Department will determine who is responsible for review and disposition of unusual incident reports related to non-client matters.

Section 331.80 was revised to reflect that the records retention requirement applies to the Department rather than service providers.

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreements issued by JCARE? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The amendments re-title the Part and revise reporting requirements regarding the unusual occurrences affecting children for whom the Department is legally responsible and those involved in the delivery of services provided by the Department. The amendments detail reporting requirements regarding unusual incidents, misconduct by Department employees or criminal behavior involving licensed foster parents.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski
Department of Children and Family Services
Office of Child and Family Policy
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
(217) 524-1983
(217) 524-3715
E-mail: cfpolicy@idcfs.state.il.us

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 331

UNUSUAL INCIDENTS INVOLVING DEPARTMENT-EMPLOYEES,
EMPLOYEES-AND-FACILITIES

Section

- 331.1 Purpose (Repealed)
- 331.2 Definitions (Repealed)
- 331.3 Reporting Unusual Incidents (Repealed)
- 331.4 Notifying Relatives of Unusual Incidents (Repealed)
- 331.5 Unusual Incidents in Department Facilities (Repealed)
- 331.6 Criminal Behavior of Foster Parents (Repealed)
- 331.7 Unusual Incidents Involving Department Employees (Repealed)
- 331.10 Purpose
- 331.20 Definitions
- 331.30 Reporting Requirements
- 331.40 Unusual Incidents Involving Children and Youth
- 331.50 Unusual Incidents Involving Employees or Facilities
- 331.60 Criminal Behavior of Foster Parents or Relative Caregivers
- 331.70 Dispositions and Reviews
- 331.80 Records Retention
- 331.90 Violation of this Part

AUTHORITY: Implementing the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 33.1 of the Criminal Code of 1961 and implementing and authorized by the Department of Children and Family Services Act [20 ILCS 505] and the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and modified at 5 Ill. Reg. 6760, effective June 26, 1981; amended at 25 Ill. Reg. 7440, effective June 26, 1981.

Section 331.1 Purpose (Repealed)

The purpose of these rules is to identify events which are considered unusual incidents and to provide instructions on how to report these incidents to appropriate Department staff.

(Source: Repealed at 25 Ill. Reg. 7440, effective June 26, 1981.)

Section 331.2 Definitions (Repealed)

"Custodian" means caretakers designated by the Department of Children and Family Services to be responsible for the day-to-day care of children for whom the Department is legally responsible. This

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includes foster parents, administrators of group homes, institutions, and child welfare agencies, and relative caretakers.

"Department staff" means those individuals who are employees of the Illinois Department of Children and Family Services.

"Unusual incident" means an occurrence which is out of the ordinary and non-routine with regard to Department affairs, such as fire, robbery or burglary, riots, extreme weather occurrences resulting in damage to the facility or injury or death to persons on the premises, the death of any child, whether a Department ward or not, which is reported to the Department's State Central Register, serious injury or illness which requires hospitalization of a child for whom the Department is legally responsible, death under suspicious circumstances, homicide or suicide involving a child for whom the Department is legally responsible, alleged or verified act of wrongdoing or corruption by a Department employee, action in which Department staff press criminal charges against Department clients, and any incident which could have media impact.

(Source: Repealed at 25 Ill. Reg. 7440--, effective JUN 15 2001)

Section 331.3 Reporting Unusual Incidents (Repealed)

- a) Custodians shall immediately report to the child's Department worker those unusual incidents affecting any child in Department care. Department staff shall immediately report all unusual incidents to the appropriate administrator of the Department region in which the unusual incident occurred and to the administrator in charge of the operations of the Department or his designee.
- b) Alleged child abuse or neglect reported as an unusual incident shall also be reported in accord with Part 3027-Services-Delivered-by-the Department.

(Source: Repealed at 25 Ill. Reg. 7440--, effective JUN 15 2001)

Section 331.4 Notifying Relatives of Unusual Incidents (Repealed)

As quickly as possible, the Department shall notify the parent(s) guardian or legal custodian of the death, serious injury, serious illness, unauthorized absence of more than 24 hours, or return from unauthorized absence of his child. If the parent(s) guardian or legal custodian is unavailable, the Department shall notify the nearest relative or other family member of the unusual incident.

(Source: Repealed at 25 Ill. Reg. 7440--, effective JUN 15 2001)

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Section 331.5 Unusual Incidents in Department Facilities (Repealed)

- a) The superintendent of a Department-operated facility shall ensure that alleged rape victims and other persons who are injured as a result of criminal conduct are examined by a physician as soon as possible. All evidence shall be preserved for future court proceedings or administrative hearings.
- b) In addition to the unusual incident report, all deaths occurring in Department-operated facilities shall be reported to the coroner or medical examiner of the county in which the facility is located.
- c) Any other unusual incidents in Department facilities shall be reported immediately to the administrator in charge of the operations of the Department or his designee. In addition, any allegations of child abuse or neglect in Department facilities shall be immediately reported to the Department's State Central Register, in accordance with Part 3027-Services-Delivered-by-the Department.

(Source: Repealed at 25 Ill. Reg. 7440--, effective JUN 15 2001)

Section 331.6 Criminal Behavior of Foster Parents (Repealed)

The Department shall report any criminal behavior on the part of Department licensed foster parents which involves or affects foster children to the appropriate law enforcement agency and to the administrator in charge of the operations of the Department or his designee.

(Source: Repealed at 25 Ill. Reg. 7440--, effective JUN 15 2001)

Section 331.7 Unusual Incidents Involving Department Employees (Repealed)

- a) All unusual incidents for which Department employees are allegedly responsible, including but not limited to resident abuse or neglect at Department-operated facilities, violations of the Illinois Criminal Code, theft or destruction of state property and using a weapon or bringing a weapon onto state-owned or leased property, shall be reported immediately to the Department's administrator in charge of investigations as well as reported to other appropriate authorities in accordance with law and these rules.
- b) Bribery of a state employee is a criminal offense. Any Department employee who has reasonable grounds to believe that an attempt to bribe him has or will be made shall report such incidents immediately to his supervisor and to the Department's administrator in charge of investigations as well as reported to other appropriate authorities in accordance with law and these rules.

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(Source: Repealed at 25 Ill. Reg. _____, effective
JUN 1 1969)

Section 331.10 Purpose

The purpose of this Part is to identify events or occurrences that are considered unusual incidents and to require reporting them to the Department when they involve persons provided services by the Department (whether directly or by a grant, contract or purchase of services agreement), Department employees or facilities or entities licensed or regulated by the Department. The Department shall maintain a system of tracking and monitoring such unusual incidents.

(Source: Added at 25 Ill. Reg. _____, effective
JUN 1 1969)

Section 331.20 Definitions

"Caregiver" means persons designated by the Department of Children and Family Services to be responsible for the day-to-day care of children and youth for whom the Department is legally responsible. This includes foster parents, relative caregivers, and administrators of group homes, child care institutions, and child welfare agencies.

"Child care facility", as used in this Part, means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, youth emergency shelter or secure child care facility as defined by the Child Care Act of 1969 [225 ILCS 10].

"Child or youth for whom the Department is legally responsible" or "ward" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Confinement" means isolating a child or youth in a restricted area away from other children or staff as his or her behavior poses a threat of physical harm to self or to others. "Confinement" does not include restricting a child to an unlocked room in a foster home, relative home or day care home for a reasonable period of time (commonly known as "timeout"). "Confinement" is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

"Disposition", for purposes of an Unusual Incident Report, means that activities or services have been undertaken such that the risk to a child or other person's health, safety or welfare has been mitigated

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or resolved to the point that usual and customary services can be provided, if appropriate. "Disposition" of an unusual incident does not mean a case is closed. Rather, "disposition" means that the extraordinary circumstances reported have been addressed appropriately by responsible staff of the Department or POS (purchase of service) providers and the actions taken have been recorded in a manner prescribed by the Department.

"Emotional/verbal abuse" includes incidents where a caregiver attempts to control the behavior of a ward through the use of fear, humiliation, and/or verbal assaults. It may also include rejection by the parent/caretaker, terrorizing the child through the use of threats, ignoring the child, or isolation of the child to the extent that it deprives him or her of opportunities to develop normal social relationships. "Emotional/verbal abuse" includes "mental injury" as defined by 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

"Employee", as used in this Part, means any staff person employed by the Department or a child care facility, and includes any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of children. This definition includes administrative, professional and other support staff who have contact with children as part of their duties in the present or prospective employment. The term also includes persons who receive remuneration directly from the Department pursuant to a contract for personal services.

"Expelled from school", as used in this Part, means that a child or youth has been barred from educational classes and the use of school facilities for up to two calendar years.

"Falsification of credentials" means that a job applicant or employee of the Department or a purchase of service provider submits a job application, academic record, employment record, license or certification, or similar documents to establish eligibility for employment or continued employment, or for determining the individual's eligibility for an appointment, reassignment, promotion, leave or other employment decisions that falsely states the qualifications or achievements of the individual.

"Falsification of records or statements" includes an act of misrepresentation, falsification or omission of any fact, whether written or verbal. Records include, but are not limited to, client or case records, court testimony, vouchers, personnel records, and time and attendance records.

"Mechanical restraint", as used in this Part, means any device, other than personal physical force, used to directly restrict the limbs,

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head or body of a person. The term does not include any medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap; nor does the term include a device used for the partial or total immobilization of a person for the purpose of performing a medical/surgical procedure under the supervision of a licensed physician or registered nurse.

"Medical emergency" means any urgent situation, including an adverse reaction to medication, requiring that a child or youth be seen by a physician on-site or transported to an urgent care clinic, doctor's office or hospital emergency room for immediate treatment of an episode that does not result in admission to a hospital.

"Misrepresentation of services" means that services to a person served by either the Department or a purchase of service provider are reported as having been provided when they have not been provided or they were provided for a period or under conditions other than those reported. Such misrepresentation may occur in reports to the Department, the courts, auditors or others acting on behalf of the Department.

"Misrepresentation of the cost of services" means the actual costs to provide a service are intentionally inflated to produce a larger billing or payment than one is entitled to for the services provided. "Misrepresentation of the cost of services" may include deliberately understating the cost of providing services in order to gain advantage in a competitive bidding situation.

"Missing" means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the child or youth are unknown, and intent to run away has not been established.

"Psychiatric emergency" means a situation requiring crisis intervention by a psychiatrist or other mental health professional, in whatever setting, to reduce the risk of the child or youth to self or others.

"Restraint", as used in this Part, means the use of physical contact or force, characterized by arm or body holds to physically restrict a child or youth and to protect him/her from injuring self or others. Physical restraint may only be used as an intervention when a child is a threat of physical harm to self or others. "Restraint" or "physical restraint" is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

"Runaway" means that a child or youth is absent from the residence of

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a caregiver or the premises of a child care facility without the consent of the persons responsible for the child's or youth's welfare, the whereabouts of the child or youth are unknown and intent to run away has been established. If the child or youth has left a note or other indication of intent to run away, he or she shall be considered a "runaway" immediately.

"Sexually aggressive behavior" involves sexual activity between two or more children that includes one or more of the children having "power over" the other child or children. This power imbalance may be due to age, size, position, physical and/or mental capacity, etc. Sexual aggression involves sexual activities such as fondling, frothing (bumping, touching, or rubbing against others for sexual satisfaction), and penetration. "Sexually aggressive behavior" may include the use of bribery, trickery, coercion, force, or weapons.

"Sexually problematic behavior" includes those behaviors of children that are not usual and expected that typically do not, but may, involve physical contact with others. These behaviors include public masturbation, voyeurism, exhibitionism, etc. Such behaviors violate societal norms for what is generally acceptable behavior and reflect an interruption of normal sexual development.

"Suicide ideation" means that a child or youth expresses or conveys to a caregiver or others a mental image of committing suicide.

"Suspected alcohol or substance abuse" means that a caregiver or others have reason to believe that a child or youth has illegally consumed alcohol; used or is using cannabis or a controlled substance as defined by the Illinois Controlled Substances Act [720 ILCS 570] without a physician's prescription, or is using or has used inhalants or other substances intended to have an intoxicating or hallucinogenic effect or that could result in clinical dependency.

"Suspended from school", as used in this Part, means that a child or youth has been temporarily barred from attending educational classes and access to school facilities or school bus. "Suspension" is usually for up to 10 school days, but may be longer for safety reasons as determined by school authorities.

"Unusual incident", as used in this Part, means an occurrence or event beyond the customary operations, routines or relationships in the Department, a child care facility or other entity that is licensed or regulated by the Department of Children and Family Services or that provides services for the Department pursuant to a grant, contract or purchase of service agreement. Unusual incidents may involve children and youth, employees, foster parents or relative caregivers. Unusual incidents may also involve damage to property, allegations of criminal

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activity, misconduct, or other occurrences affecting the operations of the Department or a child care facility. Any incident that could have media impact may be an unusual incident. Unusual incidents are further enumerated in Sections 331.30, 331.40 and 331.50 of this Part.

"Ward" - See "Child or youth for whom the Department is legally responsible".

"Weapon", as used in this Part, means any instrument that is capable of producing death or serious bodily injury when used for its intrinsic purpose or that has the potential to cause serious bodily injury or endanger a life because of the way it is used, the way it is attempted to be used, or the force with which it is used. The term "weapon" includes, but is not limited to, firearms, knives, clubs and explosive devices.

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(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 331.30 Reporting Requirements

Department employees, staff of purchase of service providers and contractors shall report unusual incidents as defined in this Part to the Department in the manner and on forms prescribed by the Department. Such reporting shall be in addition to any reporting required to comply with the Abused and Neglected Child Reporting Act [325 ILCS 5] or to comply with applicable licensing standards.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 331.40 Unusual Incidents Involving Children and Youth

a) Caregivers shall immediately report to the Department those unusual incidents that involve any child or youth for whom the Department is legally responsible on a form and in a manner prescribed by the Department. Assigned caseworkers shall instruct foster parents and relative caregivers to report unusual incidents to the caseworker, who shall be responsible for reporting the incident to the Department. Further, Department employees shall immediately report all unusual incidents to the appropriate administrator of the Department region in which the unusual incident occurred and to the administrator in charge of the operations of the Department or his or her designee.

b) Events or occurrences that shall be reported to the Department as unusual incidents when they involve a child or youth for whom the Department is legally responsible include, but are not limited to:

- 1) Physical abuse;
- 2) Neglect;

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- 3) Emotional/verbal abuse;
- 4) Sexual abuse;
- 5) Death of ward;
- 6) Self-inflicted injury/wound requiring medical attention;
- 7) Accidental injury/wound requiring medical attention;
- 8) Injury during restraint;
- 9) Ward refuses prescription medication;
- 10) Medical emergency;
- 11) Medication dispensing error;
- 12) Psychiatric emergency;
- 13) Medical hospitalization;
- 14) Psychiatric hospitalization;
- 15) Ward suspended/expelled from school;
- 16) Ward arrested, charged with or convicted of crime;
- 17) Ward put in restraint/confinement;
- 18) Ward restrained/confined 5 or more times in 30 day period;
- 19) Ward on runaway or missing;
- 20) Ward in possession of a weapon;
- 21) Ward alcohol or drug abuse;
- 22) Ward victim of assault;
- 23) Sexual assault of a ward;
- 24) Sexually aggressive behavior by ward;
- 25) Sexually problematic behavior by ward;
- 26) Identification of pregnant ward;
- 27) Identification of parenting ward;
- 28) Kidnapping or abduction of ward;
- 29) Suicide attempt by ward;
- 30) Suicide ideation/threat by ward;
- 31) Property damage of \$50 or more.

c) The death of a child or youth for whom the Department had previous legal responsibility shall be reported as an unusual incident when the death is made known to the staff of the Department or a purchase of service provider, and the death occurs within one year after discharge from guardianship or custody of the Department.

d) Any child whose death is reported to the State Central Register as a result of alleged child abuse or neglect shall be treated as an unusual incident in accordance with this Part.

e) Alleged child abuse or neglect reported as an unusual incident shall also be reported immediately to the State Central Register, in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). Action taken shall be in accordance with those rules.

f) Unusual incidents involving children or youth for whom the Department is legally responsible shall be reported immediately to the Department by telephone, telefax or other electronic means. Verbal reports shall be confirmed in written form within two working days after the occurrence.

g) Any unusual incident that involves the death, assault, sexual assault, abduction or kidnapping of a child or youth for whom the Department is

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legally responsible shall be reported immediately to appropriate law enforcement authorities. Further, that a child or youth is missing or has run away shall be reported to law enforcement authorities as soon as the caregiver has reason to believe that the child or youth has run away.

h) In addition to filing an unusual incident report, any incident that involves death, assault, sexual assault, abduction or kidnapping of a child or youth that occurs on the premises of a Department facility shall be reported immediately, by phone, to the administrator in charge of the operations of the Department or his or her designee and to the Department's Inspector General. Any other unusual incidents in Department facilities shall be reported to the administrator in charge of the operations of the Department or his or her designee in the manner prescribed by this Part.

i) Immediately upon receipt of a report indicating that a child or youth for whom the Department is legally responsible has been the subject of abuse or neglect, is deceased, is the subject of an abduction or kidnapping, or has been on an unauthorized absence of more than 24 hours, the Department shall notify the parents, guardian or legal custodian. If the parents, guardian or legal custodian is unavailable, the Department shall notify the next of kin or other family member of the unusual incident.

j) When an incident described in this Section involves a child or youth for whom the Department is legally responsible who is in the direct care of a child care facility other than the Department, the responsible child care facility shall notify the parents, guardian or legal custodian, if other than the Department. If the parents, guardian or legal custodian is unavailable, the child care facility shall notify the next of kin or other family member of the unusual incident. Information regarding that notification shall be included in the facility's report to the Department regarding the incident.

k) The Department may waive the requirement of reporting repeated incidents described in subsection (b) when the Department determines that the incidents are part of the behavior pattern of a particular child or youth, or that the incidents are part of the individual treatment plan for a particular child or youth. The caregiver may apply to the Department for a waiver under this provision in accordance with procedures prescribed by the Department.

AGENCY NOTE: Terms used in this Section to describe unusual incidents have the meaning ascribed to them by the Criminal Code of 1961 [720 ILCS 5] or 89 Ill. Adm. Code 300 (Reports of Child Abuse or Neglect), as applicable.

7440 ==

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 331.50 Unusual Incidents Involving Employees or Facilities

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a) Incidents or occurrences that shall be reported to the Department as unusual incidents when they involve the employees or facilities of the Department or a child care facility include, but are not limited to:

- 1) Employee arrested, charged with or convicted of a crime;
- 2) Threats made against staff or facility, regardless of source;
- 3) Misrepresentation of services or costs of services provided;
- 4) Falsification of credentials or records;
- 5) Employee, other than law enforcement officer, has firearm on premises;
- 6) Robbery or burglary occurred on premises;
- 7) Hazardous/physical condition identified at facility;
- 8) Serious incident resulting in legal action against facility; or
- 9) Fire or natural disaster damaged facility.

b) Unusual incidents described in subsection (a) shall be reported immediately to the Department as soon as the reporter has reason to believe that an unusual incident has occurred.

c) All unusual incidents for which Department employees are allegedly responsible, including but not limited to violations of the Illinois Criminal Code of 1961 [720 ILCS 5], theft or destruction of State property, and using a weapon or bringing a weapon onto State owned or leased property, shall be reported immediately to the Department's Inspector General, as well as to other appropriate authorities in accordance with statute and this Part.

d) Bribery of a State employee is a criminal offense. Any Department employee who has reasonable grounds to believe that an attempt to bribe him or her has or will be made shall report such incidents immediately to his or her immediate supervisor and to the Department's Inspector General, as well as report to other appropriate authorities in accordance with statute and this Part.

e) Any incident that could have media impact that is other than part of planned public education or similar effort shall be reported as an unusual incident. Such incidents include, but are not limited to, those that involve a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a purchase of service provider, or litigation affecting a purchase of service provider.

(Source: Added at 25 Ill. Reg. _____, effective 7440 ==)

Section 331.60 Criminal Behavior of Foster Parents or Relative Caregivers

In accordance with Section 34.1 of the Children and Family Services Act [20 ILCS 505/34.1], the Department shall report any suspected criminal behavior on the part of relative caregivers or foster parents licensed by the Department to the Department's Inspector General. The Inspector General shall determine whether a possible criminal act has been committed or that special expertise is

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required in the investigation. Upon such determination, the Inspector General shall immediately notify the Department of State Police.

(Source: Added at 25 Ill. Reg. 7440--3, effective JUN 1 1974)

Section 331.70 Dispositions and Reviews

The assigned child welfare worker, in collaboration with his or her supervisor, shall ensure that each report of an unusual incident involving a child or youth for whom the child welfare worker is responsible is reviewed and disposed of in a manner consistent with this Part and applicable Department policies and procedures. Administrative units of the Department, as determined by the Director, shall review and dispose of reports involving personnel, licensing and administrative issues. The Department shall periodically review reports and their dispositions to determine whether there is a need to modify policies, programs, or operating procedures, provide training to meet specific needs or improve the quality of services provided.

(Source: Added at 25 Ill. Reg. 7440--3, effective JUN 1 1974)

Section 331.80 Records Retention

- a) The Department shall retain any report of an unusual incident received pursuant to this Part for at least five years from the date of receipt of the report. Records may be retained as hard copy documents, microfilm, magnetic tapes, computer files or other methods that permit retrieval and reproduction.
- b) If any litigation, claim, financial management review, licensing review or audit is begun before the expiration of the five-year period, the records shall be retained until at least three years after all litigation, claims or audit findings involving the report have been resolved and final action taken.

(Source: Added at 25 Ill. Reg. 7440--3, effective JUN 1 1974)

Section 331.90 Violation of this Part

Child care facilities and Department staff are required to report occurrences described in this Part and take steps to remedy the situation, when appropriate.

- a) Failure of a child care facility or purchase of service provider to report an unusual incident as required by this Part or interference with the reporting of such incident may result in adverse action regarding a child care license, including revocation or termination of a purchase of service agreement or contract.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- b) Failure of Department employees to report incidents as required by this Part or interference with the reporting of such incidents, may result in disciplinary action up to and including dismissal.

(Source: Added at 25 Ill. Reg. 7440--3, effective JUN 1 1974)

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1) Heading of the Part: Consumer Installment Loan Act

2) Code Citation: 38 Ill. Adm. Code 110

3) Section: Adopted Action:

110.300 New Section
110.310 New Section
110.320 New Section
110.330 New Section
110.340 New Section
110.350 New Section
110.360 New Section
110.370 New Section
110.380 New Section
110.390 New Section
110.400 New Section
110.410 New Section

4) Statutory Authority: 205 ILCS 670/22

5) Effective Date of Amendments: August 1, 2001

6) Do these amendments contain an automatic repeal Date? No

7) Do these amendments contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 11, 2000 (24 Ill. Reg. 11717)

10) Has JCAR issued a Statement of Objection to these amendments? Yes

A) Statement of Objection: December 1, 2000, 24 Ill. Reg. 17691

B) Agency Response: December 8, 2000, 24 Ill. Reg. 17855

C) Date Agency Response Submitted for Approval to JCAR: November 27, 2000

JCAR also issued a filing prohibition for this proposed rulemaking on November 29, 2000, effective November 30, 2000 for a maximum of 180 days.

11) Differences Between Proposal and Final Version:

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At Section 110.300, change definition of short-term loan to delete the term "made by a lender that does not accept insured deposits," in order to remove that limitation.

At Section 110.350(b), add a second sentence "If payment has been made by a personal or business check, the licensee may delay the release of lien or return of title by 5 business days for the purpose of confirming availability of funds."

At Section 110.370(a), change "\$300.00" to "400".

At Section 110.370(b), change "25%" to "20%".

At Section 110.370(c), change "30" to "15".

At Section 110.370(d), change "30" to "15".

At Section 110.390, delete proposed subsection (e).

At Section 110.390(a), delete the sentence "No short-term lender may require the borrower to deposit a set of vehicle keys with the lender or an agent of the lender as a condition of, or incident to, any loan." Replace the sentence with "Unless otherwise provided for in the loan agreement, lender shall not take or retain possession of the keys (or a copy thereof) to a motor vehicle used to secure a title-secured loan."

At Section 110.390(c), delete all language after subsection label and insert: "Possession measures shall be in accordance with Section 19.1 of the Act."

At Section 110.410, delete the second sentence which reads "When a check is taken as security for a loan, the licensee must stamp or otherwise imprint upon the back of the check a notation that the check secures a deferred deposit loan made under this Act and that any holder takes the check subject to the claims and defenses of the maker."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: The Department is adopting amendments to the Consumer Installment Loan Act rules to add a new subpart regulating short-term lending, as authorized by recent statutory amendments to Section 22 of the Consumer Installment Loan Act.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Elizabeth F. Byrne
Chief Legal Counsel
Dept. of Financial Institutions
James R. Thompson Center
100 W. Randolph, Suite 15-700
Chicago, IL 60601
(312) 814-2000

The full text of adopted amendments begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 110

CONSUMER INSTALLMENT LOAN ACT

SUBPART A: GENERAL PROVISIONS

Section	
110.1	Definitions
110.10	Minimum Requirements for Office Records
110.15	Application for License
110.20	Loan Register
110.30	Individual Account Records
110.40	File of Original Papers
110.50	Cash Book
110.60	Alphabetical Record of Co-Makers, Obligors
110.65	Permanent File
110.70	Payments
110.80	Simple Interest Loans
110.90	Cancellation and Return of Documents
110.100	Finance Charges - Rebates and Delinquency Charges
110.110	Hypothecation at the Time of the Sale of Obligor's Notes
110.120	Legal Forms
110.130	Judgments
110.140	Sale of Security
110.150	Trouble File
110.160	Lien Charges
110.170	Insurance
110.180	Office and Office Hours
110.190	Advertising
110.200	Other Business
110.210	Examination Remittances
110.215	Document Preparation Fee
110.220	Credit Practices
110.225	Verification of Amount Owed
110.230	General
110.235	Relocation
110.240	Hearing Procedures
110.250	Limited Purpose Branch
110.260	Off-Site Records
110.265	Servicing of Accounts by Contract

SUBPART B: SHORT TERM LENDING

Section	
110.300	Definitions
110.310	Applicability of Rule
110.320	Application for License
110.330	Renewal of License

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110.340 Simple Interest
110.350 Release of Lien
110.360 Availability of Debt Management Services
110.370 Lending Limits and Refinancing
110.380 Second Notice
110.390 Possession of Vehicle
110.400 Loan Proceeds
110.410 Security Interest

TABLE A Illinois Rule of 78 Fraction for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months (Repealed)
TABLE B Rule of 78 Percentage Rebate Table (Repealed)

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective January 28, 1987; emergency amendment at 11 Ill. Reg. 14141, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective April 8, 1996; emergency amendment at 22 Ill. Reg. 1485, effective January 2, 1998, for a maximum of 150 days; emergency expired May 31, 1998; amended at 22 Ill. Reg. 13657, effective July 14, 1998; amended at 24 Ill. Reg. 7456, effective AUG 1/98.

SUBPART A: GENERAL PROVISIONS

Section 110.1 Definitions

Obligor means the person to whom the proceeds of a loan are delivered or on whose behalf the proceeds of a loan are expended.

Uniform Commercial Code means 810 ILCS 5.

Act means the Consumer Installment Loan Act [205 ILCS 670].

Date of the loan means the date on which the loan agreement is signed or accepted by the lender.

Department means the Department of Financial Institutions.

Director means the Director of the Department of Financial

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Institutions.

Generally accepted accounting procedures means those adopted by the American Institute of Certified Public Accountants and Federal Accounting Standards Board.

Hypothecate means to pledge a security instrument without transfer of Title.

Insurance Code means 215 ILCS 5.

Recording fee is a fee paid to a government agency to record or release a security instrument.

Sales Finance Agency Act means 205 ILCS 660.

(Source: Amended at 22 Ill. Reg. 13657, effective July 14, 1998)

SUBPART B: SHORT TERM LENDING

Section 110.300 Definitions

"Short-term loan" means a loan upon which interest is charged at an annual percentage rate exceeding 36 percent and for a term of not more than 30 days in the case of a non-title-secured loan or for a term not more than 60 days in the case of a title-secured loan.

"Title-secured loan" shall mean a loan wherein, at commencement, an obligor provides to the licensee at that time, as security for the loan, physical possession of the obligor's title to a motor vehicle.

"Short-term lender" shall mean any lender engaged in making any short-term loans.

"Interest bearing loan" shall mean a loan in which interest is charged upon the principal amount borrowed.

"Check" shall mean a check, draft or other negotiable instrument used for the payment of money.

"Refinance" shall mean to renew or extend a loan beyond its original term.

(Source: Added at 24 Ill. Reg. 7456, effective AUG 1/98.)

Section 110.310 Applicability of Rule

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The rules contained in this Subpart B, as well as those contained in Subpart A, shall apply to any short-term lender as defined in Section 110.300 of this Part.

(Source: Added at 24 Ill. Reg. 7456-3, effective August 1, 1989)

Section 110.320 Application for License

In addition to the licensing requirements of Section 110.15 of this Part, a short-term lender making application for license shall provide, as part of the application submitted to the Department, a statement certifying compliance with any and all applicable local ordinances pertaining to the applicant's proposed business.

(Source: Added at 24 Ill. Reg. 7456-3, effective August 1, 1989)

Section 110.330 Renewal of License

At the time of renewal of license, and in addition to paying the fees and complying with the other requirements of the Act, a short-term lender must submit a statement certifying compliance with any and all applicable local ordinances pertaining to the licensed business.

(Source: Added at 24 Ill. Reg. 7456-3, effective August 1, 1989)

Section 110.340 Simple Interest

A short-term lender must compute interest on all short-term loans as simple interest as defined in Section 110.80 of this Part.

(Source: Added at 24 Ill. Reg. 7456-3, effective August 1, 1989)

Section 110.350 Release of lien

a) A short-term lender that secures the loan by a title to a motor vehicle must immediately take into possession the registered title evidencing the obligor's ownership in the motor vehicle and shall note on the face of the loan agreement the vehicle's make, model, year of manufacture, and vehicle identification number.

b) Within 24 hours after payment in full of the amount due under the agreement, the licensee must release any filed or recorded liens, provide evidence of such release of lien to the obligor and return the title to the obligor or cause the title to be returned to the obligor. If payment has been made by a personal or business check, the licensee

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may delay the release of lien or return of title by 5 business days for the purpose of confirming availability of funds.

(Source: Added at 24 Ill. Reg. 7456-3, effective August 1, 1989)

Section 110.360 Availability of Debt Management Services

a) Before entering into a short-term loan agreement, licensee must give to the obligor a pamphlet, approved by the Director, describing the availability of debt management services and the obligor's rights and responsibilities in the transaction.

b) Each short-term loan agreement and refinancing agreement executed by a licensee shall include a statement, which shall be initialed by the obligor, as follows: "I have received from (name of lender) a toll free number from the Department of Financial Institutions that I can call for information regarding debt management services."

c) At the time a short-term lender conveys any written notice to an obligor indicating the obligor is in arrears or that the obligor is in default, the lender shall include with the notice a statement indicating a toll free number of the Department of Financial Institutions that the obligor may contact for the purpose of the obligor receiving information from the Department regarding debt management services. The form and method of providing the information shall be subject to approval of the Department.

(Source: Added at 24 Ill. Reg. 7456-3, effective August 1, 1989)

Section 110.370 Lending Limits and Refinancing

a) A short-term loan that is not title-secured may not exceed \$400 in principal amount. A short-term title-secured loan may not exceed \$2,000 in principal amount. However, no loan shall be made in such amount that the principal and interest payments for the stated duration of the loan exceed 50% of the obligor's gross income for that period.

b) A short-term loan may be refinanced a maximum number of 2 times, but only when the outstanding balance of the loan has been reduced by at least 20%. If a short-term loan is secured by a post-dated check, the post-dated check must name the lender as payee.

c) No loan, other than the refinancing of an existing short-term loan, may be made to an obligor who has had an outstanding short-term loan within the preceding 15 days.

d) The loan agreement must include a separate statement signed by the obligor attesting that the obligor has not had an outstanding short-term loan within the preceding 15 days. The lender shall further verify the statement by means of any database created by or

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approved by the Director for that purpose.

e) The loan agreement shall advise the obligor that matters involving improprieties in the making of the loan or in loan collection practices may be referred to the Department and shall prominently disclose the Department's address and telephone number.

f) Each short-term loan refinancing agreement executed by a licensee shall include a statement, which shall be initialed by the obligor, as follows: "I have received from (name of lender) a toll free number from the Department of Financial Institutions that I can call for information regarding debt management service."

(Source: Added at 24 Ill. Reg. 7456--, effective AUG 01 2001)

Section 110.380 Second Notice

At the time a short-term lender conveys a second notice to an obligor indicating the obligor is in arrears or any notice that the obligor is in default for a debt issued by the lender under the Act, the licensee shall include with the notice a statement indicating a telephone number of the Department of Financial Institutions that the obligor may contact for the purpose of the obligor receiving information from the Department regarding debt management services for assisting the obligor. The form and method of the notice provided by lenders shall be subject to approval by the Director.

(Source: Added at 24 Ill. Reg. 7456--, effective AUG 01 2001)

Section 110.390 Possession of Vehicle

a) Unless otherwise provided for in the loan agreement, lender shall not take or retain possession of the keys (or a copy thereof) to a motor vehicle used to secure a title-secured loan.

b) No short-term lender may take possession of a vehicle without first giving notice to the obligor; affording the obligor the opportunity to make the vehicle available to the lender at a place, date and time reasonably convenient to the lender and obligor; and permitting the obligor to remove any personal belongings from the vehicle without charge or additional cost to the obligor.

c) Possession measures shall be in accordance with Section 19.1 of the Act.

d) No short-term lender may take possession of a motor vehicle for a loan default and lease the vehicle back to the obligor.

(Source: Added at 24 Ill. Reg. 7456--, effective AUG 01 2001)

Section 110.400 Loan Proceeds

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A lender must issue the proceeds of a short-term loan in the form of a check drawn on the licensee's bank account, in cash or by money order. When the proceeds are issued in the form of a check drawn on the lender's bank account or by money order, the lender may not charge a fee for cashing the check or money order if cashing service is offered at the location. When the proceeds are issued in cash, the lender must provide the obligor with a written verification of the cash transaction and shall maintain a record of the transaction.

(Source: Added at 24 Ill. Reg. 7456--, effective AUG 01 2001)

Section 110.410 Security Interest

A short-term lender shall not take a security interest in any of the obligor's property other than the check or the obligor's motor vehicle title, as tendered to the lender at the time of the making of the loan.

(Source: Added at 24 Ill. Reg. 7456--, effective AUG 01 2001)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Modified Guaranteed Annuity (MGA) Contracts

2) Code Citation: 50 Ill. Adm. Code 1410

3) Section Number: Adopted Action:
1410.30 Amendment
1410.60 Amendment

4) Statutory Authority: Implementing Article XIV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XIV and 401].

5) Effective Date of Amendments: June 4, 2001

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 15, 2000, 24 Ill. Reg. 17872

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and the final version: None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: During its review of an insurance company's product filing, the Department was made aware of a discrepancy between the Department's regulation and the NAIC model. The proposed amendments will bring the Department's regulation into conformity with the NAIC model regulation.

16) Information and questions regarding these adopted amendments shall be directed to:

Bruce Sartain
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-0903

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS
TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE
PART 1410
MODIFIED GUARANTEED ANNUITY (MGA) CONTRACTS

Section	Purpose
1410.10	Applicability
1410.20	Definitions
1410.30	Authority of Insurers
1410.40	Filing of Contracts
1410.50	Modified Guaranteed Annuity (MGA) Contract Requirements
1410.60	Reserve Liabilities
1410.70	Reports to Policyholders
1410.80	

AUTHORITY: Implementing Article XIV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XIV and 401].

SOURCE: Adopted at 21 Ill. Reg. 933, effective January 3, 1997; amended at 25 Ill. Reg. 7468 --, effective JUN 04 2001.

Section 1410.30 Definitions

Adjusted Minimum Nonforfeiture Amount means the minimum nonforfeiture amount as defined in Section 229.4 of the Illinois Insurance Code [215 ILCS 5/229.4] adjusted by the Market Value Adjustment.

Appointed Actuary means any individual who is appointed or retained in accordance with the requirements set forth in 50 Ill. Adm. Code 1408.40(c) to provide the actuarial opinion and supporting memorandum as required by Section 223(1a) of the Illinois Insurance Code [215 ILCS 5/223(1a)].

Code means the Illinois Insurance Code [215 ILCS 5/i-et-seq-].

Director means the Director of the Department of Insurance.

Insurance Producer means an individual licensed pursuant to Article XXI of the Code [215 ILCS 5/Art. XXI 490-i-et-seq-] who solicits, negotiates, effects, procures, renews, continues or binds modified guaranteed annuity contracts in this State.

Insurer means any insurance company which has delivered or issued for delivery in this State a modified guaranteed annuity contract.

Interest Credit means all interest that is credited to the contract.

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Market Value Adjustment (MVA) means a formula specified in the contract which adjusts the cash value of the contract. It reflects changes in prevailing interest rates and the time remaining until the date on which the cash surrender value is available without adjustment.

Minimum Nonforfeiture Amount means the minimum nonforfeiture amount as defined in Section 229.4 of the Code [215 ILCS 5/229.4].

Modified Guaranteed Annuity (MGA) means a fixed annuity, or a fixed portion of a combination annuity, that is funded through the general account and provides for guaranteed cash-surrender values on specified dates or specified ages and with interim nonforfeiture cash-surrender values that are adjusted in accordance with an MVA.

(Source: Amended at 25 Ill. Reg. 7468 --, effective JUN 04 2001)

Section 1410.60 Modified Guaranteed Annuity (MGA) Contract Requirements

a) Mandatory Contract Benefit and Design Requirements:

1) Any MGA contract delivered or issued for delivery in this State shall contain a statement of the procedures to be followed by the insurer in determining the dollar amount of nonforfeiture benefits.

2) No MGA contract calling for the payment of periodic stipulated payments shall be delivered or issued for delivery in this State unless it contains the following provisions:

A) A provision that there shall be a grace period of thirty--t 30+ days or one month following the premium due date during which the contract shall remain in force and, within which any payment due to the insurer, other than the first, may be made. The contract may include a statement of the basis for determining the date as of which any such payment received during the grace period shall be applied to produce the values under the contract.

B) A provision that, at any time within one year from the date of default, the contract may be reinstated upon payment to the insurer of such overdue payments as required by the contract, and of all indebtedness to the insurer on the contract, including interest. Reinstatement may not occur if the cash value has been paid. The contract may include a statement of the basis for determining the date as of which the amount to cover such overdue payments and indebtedness shall be applied to produce the values under the contract.

3) The MVA formula, used in determining nonforfeiture benefits, must be stated in the contract and must be applicable for both upward and downward adjustments. When a contract is filed, it must be

DEPARTMENT OF INSURANCE

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accompanied by an actuarial certification by a qualified actuary indicating the basis for the MVA formula and that the formula provides reasonable equity to both the contractholder and the insurer.

b) Nonforfeiture Benefits:

- 1) This subsection (b) shall not apply to any of the contracts excluded in Section 229.4(11) of the Code [215 ILCS 5/229.4(11)].
- 2) Any paid-up annuity benefit available under an MGA contract shall be such that its present value on the annuity commencement date is at least equal to the Adjusted Minimum Nonforfeiture Amount on that date. Such present value shall be computed using the mortality table, if any, and the guaranteed or assumed interest rates used in calculating the annuity payments.
- 3) For MGA contracts which provide cash surrender benefits, the cash surrender benefit at any time prior to the annuity commencement date shall not be less than the Adjusted Minimum Nonforfeiture Amount next computed after the request for surrender is received by the insurer. The death benefit under such contracts shall be at least equal to the cash surrender benefit. The contract may provide that the insurer may defer payment of such cash surrender benefit for a period of six (6) months after demand.
- 4) Any MGA contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the Adjusted Minimum Nonforfeiture Amount prior to the annuity commencement date shall include a statement in a prominent place in the contract that such benefits are not provided.
- 5) For any MGA contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits (without regard to any surrender charges) or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the Adjusted Minimum Nonforfeiture Amount for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract.

c) The Application:

The application for an MGA shall prominently set forth language stating that amounts payable under the contract are subject to a market value adjustment prior to a date or dates specified in the contract. The statement shall be placed immediately above the signature line on the application.

(Source: Amended at 25 Ill. Reg. effective
JUN 04 2001 7466-3)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3) Section Number: Adopted Action:
205.1330 Amended
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- 5) Effective Date of Amendment: May 31, 2001
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 4, 2000 - 24 Ill. Reg. 11556
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:
 1. Revisions to Section 205.240 were deleted.
 2. In Section 205.1330(a), a comma(",") was added after "specifications".
 3. In Section 205.1330(d), the comma was stricken.
 4. In Section 205.1330(d), the following was added after "Illinois.":
"Structural drawings and specifications for these systems may be executed by or be under the immediate supervision of a structural engineer licensed in the State of Illinois."
 5. In Section 205.1330(d), "Structural," was deleted.
 6. In Section 205.1330(d), "mechanical" was changed to "Mechanical" and the comma was deleted.
 7. In Section 205.1330(d), "and specified for these systems" was added after "drawings".

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8. In Section 205.1330(d), "registered" was changed to "licensed".
9. In Section 205.1330(f), the comma after "outline" was stricken.
10. In Section 205.1330(f)(2)(B), "a" was added before "plan".
11. In Section 205.1130(g)(1)(F), the comma after "areas" was stricken.
12. In Section 205.1130(g)(3)(B)(vi), "sandpipe" was stricken and "stand pipe" was added.

The following changes were made in response to comments and suggestions of the JCAR:

In Section 205.1330(d), "be" was added after "or" in the second line.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: Section 205.1330 is being amended to allow structural drawings and specifications to be executed by, or be under the immediate supervision of, a structural engineer and to allow mechanical and electrical drawings and specifications to be executed by, or be under the immediate supervision of, a professional engineer.

- 16) Information and questions regarding this adopted amendment shall be directed to:
Paul Thompson
Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@dph.state.il.us

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	Definitions
205.110	Incorporated and Referenced Materials
205.115	Conditions of Licensure
205.118	Application for Initial Licensure
205.120	Application for License Renewal
205.125	Approval of Surgical Procedures
205.130	

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	Ownership, Control and Management
205.210	Organizational Plan
205.220	Standards of Professional Work
205.230	Policies and Procedures Manual
205.240	

SUBPART C: PERSONNEL

Section	Personnel Policies
205.310	Presence of Qualified Physician
205.320	Nursing Personnel
205.330	Basic Life Support
205.340	Laboratory Services
205.350	

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	Equipment
205.410	Sanitary Facility
205.420	

SUBPART E: GENERAL PATIENT CARE

Section	Emergency Care
205.510	Preoperative Care
205.520	Operative Care
205.530	Postoperative Care
205.540	

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SUBPART F: RECORDS AND REPORTS

Section
205.610
205.620

Clinical Records
Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section
205.710
205.720
205.730
205.740
205.750
205.760

Pregnancy Termination Specialty Centers
Personnel (Repealed)
General Patient Care (Repealed)
Preoperative Requirements (Repealed)
Postoperative Requirements (Repealed)
Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section
205.810
205.820
205.830
205.840
205.850
205.860

Complaints
Notice of Violation
Plan of Correction
Adverse Licensure Action
Fines and Penalties
Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND
PHYSICAL REQUIREMENTS

Section

205.1310 Plant and Service Requirements
205.1320 General Considerations
205.1330 New Construction, Additions and Major Alterations
205.1340 Minor Alterations and Remodeling Changes
205.1350 Administration Department and Public Areas
205.1360 Clinical Facilities
205.1370 Support Service Areas
205.1380 Diagnostic Facilities
205.1390 Other Building Services
205.1400 Details and Finishes
205.1410 Construction, Including Fire Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section
205.1510
205.1520
205.1530

General
Thermal and Acoustical Insulation
Steam and Hot Water Systems

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205.1540 Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section

205.1610 General
205.1620 Plumbing Fixtures
205.1630 Water System
205.1640 Drainage Systems
205.1650 Identification

SUBPART L: ELECTRICAL

Section

205.1710 General
205.1720 Switchboards and Power Panels
205.1730 Panelboards
205.1740 Lighting
205.1750 Receptacles (Convenience Outlets)
205.1760 Grounding
205.1770 Equipment Installation in Special Areas
205.1780 Emergency Electric Service
205.1790 Fire Alarm System

TABLE A General Pressure Relationships and Ventilation Rates of
Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment
Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43,
effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg.
30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective
November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May
17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6
Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640,
effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg.
12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1,
1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11
Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743,
effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October
1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency
amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150
days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15
Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507,
effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22,
1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22
Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019,

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effective December 4, 1998; amended at 24 Ill. Reg. 26 **7476** effective February 18, 2000; amended at 25 Ill. Reg. 1-5, effective MAY 31 2001.

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND
PHYSICAL REQUIREMENTS

Section 205.1330 New Construction, Additions and Major Alterations

Requirements and procedures for new construction, additions, and major alterations are as follows:

- a) Preliminary drawings and outline specifications, whether for new construction or for substantial alterations, shall be submitted to the Department with a program narrative description for review and approval prior to starting final working drawings and specifications.
- b) The final working drawings and specifications shall be submitted to the Department for review and approval prior to release of contract documents for bidding. Change orders that which affect scope and/or function shall be submitted for approval prior to execution.
- c) The Department shall be notified of the award of contracts, and when construction has been completed. Approval by the Department prior to occupancy is required.
- d) The preparation and submission of drawings and specifications shall be executed by, or be under the immediate supervision of an architect registered in the State of Illinois. Structural drawings and specifications for these systems may be executed by or be under the immediate supervision of a structural engineer licensed in the State of Illinois. Mechanical and electrical drawings and specifications for these systems may be executed by or be under the immediate supervision of a professional engineer licensed in the State of Illinois.
- e) First stage submission. Design Development Drawings and Outline Specifications.
- f) ~~The Development--of--the~~ preliminary sketch plans shall indicate indicating in detail the assignment of all spaces, size of areas and rooms, indicating in outline the fixed and movable equipment and furniture.
 - 1) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.
 - 2) The drawings shall include:
 - A) a plan of each floor including the basement or ground floor,
 - B) a plan showing roads, parking areas, sidewalks, etc.,
 - C) elevations of all facades,
 - D) sections through the building, and
 - E) and all adjacent areas clearly labeled if addition or alteration.
 - 3) The total gross floor area shall be shown on the drawings.
 - 4) Outline specifications shall provide a general description of the

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construction including finishes; acoustical material, its extent and type; heating and ventilating systems; and the type of elevators.

- 5) A brief narrative of the proposed program shall be included.
- g) Second stage submission. Working Drawings and Specifications. All working drawings shall be well prepared so that clean and distinct prints may be obtained, and shall be accurately dimensioned and shall include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical. They shall include or contain the following:
 - 1) Architectural Drawings.
 - A) Site plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures and improvements that which are to be removed under the construction contract shall be shown.
 - B) Plan of each floor.
 - C) Elevations of each facade.
 - D) Sections through building.
 - E) If elevators and dumbwaiters are provided, drawings are required showing shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms.
 - F) Special care areas, and similar areas shall be detailed at a scale to show the location, type, size and connection of all fixed and movable equipment.
 - G) Schedule of finishes.
 - 2) Structural Drawings.
 - A) Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members. Schedule of beams, girders and columns.
 - B) Floor levels, column centers, and off-sets shall be dimensioned.
 - C) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.
 - D) Details of all special connections, assemblies and expansion joints shall be given.
 - E) Notes on design data shall include the name of the governing building code, values or allowable unit stresses, assumed live loads, including wind loads, earthquake load, and soil bearing pressures.
 - 3) Mechanical Drawings. These drawings with specifications shall show the complete heating, cooling and ventilation systems; plumbing, drainage, stand pipe, and sprinkler systems.

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- A) Heating, Cooling and Ventilation.
- i) Any radiators, coils and steam heated equipment, such as sterilizers.
 - ii) Heating and steam mains and branches with pipe sizes.
 - iii) Diagram of heating and steam risers with pipe sizes.
 - iv) Sizes, types and heating surfaces of boilers, furnaces, with stokers and oil burners, if any.
 - v) Pumps, tanks, boiler breeching and piping and boiler room accessories.
 - vi) Air conditioning systems with required equipment, water and refrigerant piping, and ducts.
 - vii) Supply and exhaust ventilating systems with connections and piping.
 - viii) Air quantities for all room supply and exhaust ventilating duct openings.
- B) Plumbing, Drainage and Stand Pipe Systems.
- i) Size and elevation of: street sewer, house sewer, house drains, street water main and water service into the building.
 - ii) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment.
 - iii) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks.
 - iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections.
 - v) Any gas, oxygen and similar piped systems.
 - vi) Any stand pipe ~~sand~~ pipe and sprinkler systems.
 - vii) All fixtures and equipment that require water and drain connections.
- 4) Electrical Drawings. Drawings shall show all electrical wiring, outlets, and equipment that which require electrical connections.
- A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building.
- B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.
- C) Light outlets, receptacles, switches, power outlets, and circuits.
- D) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment shall be provided as required by the telephone

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- company.
- E) Fire alarm system with stations, signal devices, control board and wiring diagrams.
 - F) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits as required by the approved program as required under the electrical requirements of this Part part-of-these-Standards.

(Source: Amended at 25 Ill. Reg. 7471-33, effective MAY 31 2001)

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1) Heading of the Part: Reference for Rules in Administrative Hearings under Sections 2-110(d) and 3-410 of the Nursing Home Care Act

2) Code Citation: 77 Ill. Adm. Code 430

3) Section Numbers: Adopted Action:

430.10	Amendment
430.20	Repeal
430.30	Repeal
430.40	Repeal
430.50	Repeal
430.60	Repeal
430.70	Repeal
430.80	Repeal
430.90	Repeal
430.100	Repeal
430.110	Repeal
430.120	Repeal
430.130	Repeal
430.140	Repeal
430.150	Repeal
430.160	Repeal
430.170	Repeal
430.180	Repeal

4) Statutory Authority: Implementing and authorized by Sections 2-110(d), 3-410, and 3-801 of the Nursing Home Care Act [210 ILCS 45/2-110(d), 3-410, and 3-801].

5) Effective Date of Amendments: June 1, 2001

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 27, 2000, 24 Ill. Reg. 17463.

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In the Part title, Reference For Rules in Administrative Hearings Under Sections 2-110(d) and 410 of the Nursing Home Care Act, changed "410" to "3-410".

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The rulemaking provides a technical update of the hearing rules in this Part by reference to the current hearing rules compiled in Part 100 of Title 77.

16) Information and questions regarding these adopted amendments shall be directed to:

Paul Thompson
Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
E-mail: rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 430
REFERENCE FOR RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE
HEARINGS

UNDER HELD-PURSUANT-TO SECTIONS 2-110(d) AND 3-410 OF
THE NURSING HOME CARE REFORM ACT OF 1979

- Section
430.10 Applicability
430.20 Definitions (Repealed)
430.30 Persons Who May Request a Hearing (Repealed)
430.40 Parties to Hearings (Repealed)
430.50 Appearance -- Right to Counsel (Repealed)
430.60 Intervention (Repealed)
430.70 Request for Hearing, Notice of Hearing, Answers and Motions (Repealed)
430.80 Time and Place of the Hearing (Repealed)
430.90 Service (Repealed)
430.100 Discovery and Depositions (Repealed)
430.110 Pre-Hearing Conference (Repealed)
430.120 Conduct of Hearing (Repealed)
430.130 Burden of Proof (Repealed)
430.140 Subpoenas (Repealed)
430.150 Hearing Officer's Report and Final Decision (Repealed)
430.160 Proposal for Decision (Repealed)
430.170 Record of Proceedings (Repealed)
430.180 Miscellaneous (Repealed)

AUTHORITY: Implementing Sections 2-110(d), 3-410, and 3-801 of the Nursing Home Care Act [210 ILCS 45/2-110(d), 3-410, and 3-801].

SOURCE: Adopted and codified at 6 Ill. Reg. 14523, effective November 10, 1982; amended at 25 Ill. Reg. 7480, effective JUN 1 2001.

Section 430.10 Applicability

Part 100 of this Title 77, Rules of Practice and Procedure in Administrative Hearings [77 Ill. Adm. Code 100], contains the provisions these rules are applicable to administrative hearings before the Illinois Department of Public Health which are authorized by:

- a) Section 2-110(d) of the Nursing Home Care Reform Act [210 ILCS 45/2-110(d)] that of 1979-Rev.-Stat.-1981-ch.-111-1/27-par. 4152-110-which gives a person refused access to a long-term care facility the right to a hearing.7-and
b) Section 3-410 of the Nursing Home Care Act [210 ILCS 45/3-410] that

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referenced--in--paragraph-(a)-of-this-Section-which gives the resident of a long-term care facility the right to appeal the facility's decision to involuntarily transfer/discharge the resident.

(Source: Amended at 25 Ill. Reg. 7480, effective JUN 1 2001)

Section 430.20 Definitions (Repealed)

For purposes of this Part:

- "Agreed-Settlement"-shall-mean--an--agreement--made--by--the--parties resolving-the-reasons-for-the-hearing.
"APA"-shall-mean-the-Illinois-Administrative-Procedure-Act-111-Rev-Stat.-1991-ch.-127-par.-1001-et-seq.
"Consent-Order"-shall-mean--an--order--entered--by--the--Director--by stipulation-of-the-parties.
"Default"-shall-mean-a-judgment-rendered-against-a-party-as-a-result of-that-party's-or-intervenor-on-the-side-of-that-party's-failure--to appear-at-the-hearing-without-valid-reason.
"Denial--of--Access-Hearing"-shall-mean-a-hearing-conducted-before-the Department-pursuant-to-Section-2-110(d)-of-the-Nursing-Home-Act.
"Department"-shall-mean-the-Illinois-Department-of-Public-Health.
"Director"-shall-mean-the-Director-of-Public-Health-or-his-designee.
"Facility"-shall-have-the-meaning-ascribed-to-it-in-Section-1-113--of the-Nursing-Home-Act.
"Good-Cause"-shall-mean-a-valid-reason-not-an-excuse.
"Hearing-Officer"-shall-mean--a--duly--qualified--employee--of--the Department--designated-in-writing-by-the-Director-to-conduct-a-hearing to-review-a-decision.
"Involuntary--Transfer/Discharge--Hearing"-shall-mean--a--hearing conducted--before--the--Department--pursuant--to--Section-3-410-of-the Nursing-Home-Act.
"Nursing-Home-Act"-shall-mean-the-Nursing--Home--Care--Reform-Act--of 1979--as-amended-111-Rev.-Stat.-1981-ch.-111-1/27-par.-4151-101-et seq.

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"person" shall mean any individual partnership or corporation association governmental subdivision public or private organization of any character or governmental agency.

"Reasonable and timely" shall mean a time which is fair and which does not cause delay or prejudice the rights of another to expeditious justice.

"Resident" shall have the meaning ascribed to it in Section 1-122 of the Nursing Home Act.

"Stipulation" shall mean an agreement made by the parties regarding any matter concerning the proceedings.

"Substantial justice" shall mean justice based on the substance of the law and the facts rather than on technical procedure.

(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 1 1977)

Section 430.30 Persons Who May Request a Hearing (Repealed)

- a) A person who is denied access to a facility may request a hearing on the denial as provided for in Section 2-110(d) of the Nursing Home Act.
- b) A resident subject to involuntary transfer or discharge from a facility, the resident's guardian or if the resident is a minor, his parents shall have the right to request a hearing as provided for in Section 3-410 of the Nursing Home Act.
- e) Other than as provided for in paragraphs (a) and (b) of this section, no other person shall have a right to request a hearing under Sections 2-110(d) or 3-410 of the Nursing Home Act. This provision does not prevent an attorney representing a person who has a right to request a hearing from filing the request on behalf of his client.

(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 1 1977)

Section 430.40 Parties to Hearings (Repealed)

For purposes of this part:

- a) The parties to administrative hearings before the Department are Complainants, Respondents and intervenors.
- b) The Complainant:
- 1) in an involuntary transfer/discharge hearing is the resident who is to be transferred/discharged, and
- 2) in a denial of access hearing is the person who is refused access to a facility and requests a hearing on the denial of access.

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- e) The Respondent is the person licensed under the Nursing Home Act to operate the facility whose decision to involuntarily transfer/discharge a resident or deny access is being appealed.
- d) Intervenor are those persons who in accordance with Section 430-70 of this part are permitted to intervene and participate at a hearing.

(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 1 1977)

Section 430.50 Appearance -- Right to Counsel (Repealed)

- a) In all hearings conducted before the Department:
- 1) Any party to a proceeding may appear and be heard by an attorney authorized to practice in the State of Illinois.
- 2) A natural person who is a party may appear and be heard on his or her own behalf. If a resident has a guardian, the resident may be represented by his/her guardian. If a resident is a minor and does not have a guardian, the resident may be represented by his/her parents.
- 3) A corporation or association shall appear and be heard only by an attorney authorized to practice in the State of Illinois. A shareholder, corporate officer, employee or member of the board of directors may not appear or represent a corporation or association unless the individual is authorized to practice law in the State of Illinois.
- 4) A partnership may be represented by a general partner.
- 5) Only persons admitted by the Supreme Court of this State to practice as attorneys and counselors at law shall represent others in proceedings before the Department.
- 6) All attorneys appearing in proceedings before the Department shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any attorney does not conform to such standards, the Department may decline to permit such attorney to appear in any proceedings. Non-attorneys appearing in proceedings before the Department shall be courteous, dignified, and shall maintain the decorum of the tribunal.
- b) Each party to a proceeding who appears before the Department either in person or by counsel shall inform the Department in writing or orally at the hearing of the address at which any notice or other document may be served upon him or her in such proceeding. All further service may be made by regular mail.
- e) An attorney may withdraw his appearance and/or representation only upon motion and appropriate ruling by the Hearing Officer. However, attorneys may be substituted without motion upon notice to all parties and the Hearing Officer if the substitution will not delay the proceedings and a statement to that effect is contained in the notice.

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(Source: Repealed at 25 Ill. Reg. 7480-3, effective 11/1/70)

Section 430.60 Intervention (Repealed)

- a) The following persons have a right to intervene in a proceeding:
- 1) the administrator of the facility if the proceeding is a denial of access hearing and the administrator refused access to the complainant under Section 2-110(4) of the Nursing Home Act, and
- 2) any person responsible for the payment of a resident's stay in a facility if the proceeding is an involuntary transfer/discharge of the resident and the basis for transfer/discharge is nonpayment;
- b) Any person who does not have a right to automatically intervene under paragraph (a) of this Section may in the discretion of the Hearing Officer be permitted to intervene in a proceeding:
- 1) when the person can show an interest in the proceeding which may not be adequately represented by the parties to the proceedings; or
- 2) when the person may be affected by the Department's final administrative decision; or
- 3) when the person is another agency of the State of Illinois which has an interest in the matter which is before the Department.
- c) In order to intervene each potential intervenor shall give:
- 1) his name, address and phone number;
- 2) if the person is requesting to intervene is represented by an attorney, the name, address and phone number of the attorney;
- 3) the reasons why the individual desires to intervene which shall show that the individual:
- A) has a right to intervene under subparagraph (a) of this Section; or
- B) has an interest in the proceeding which may not be adequately represented by the parties; or
- C) may be affected by the Department's final administrative decision; or
- D) is another agency of the State of Illinois which has an interest in the matter which is before the Department.
- d) Intervention may be allowed at any time prior to the swearing in of the first witness.
- e) If a person appears at the hearing wishing to represent a party but may not represent that party under Section 438.507, then the hearing officer shall treat that appearance as a request to intervene pursuant to this Section:

(Source: Repealed at 25 Ill. Reg. 7480-3, effective 11/1/70)

Section 430.70 Request for Hearing, Notice of Hearing, Answers and Motions

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(Repealed)

- a) The procedure for requesting a hearing under this part is as follows:
- 1) A request for a denial of access hearing shall be made in writing to the Department and shall contain the following information:
- A) the name and address of the person making the request;
- B) a statement that it is a request for a hearing on a denial of access;
- C) the name and address of the facility which allegedly denied access; and
- D) a short and concise statement of the facts involved in the alleged denial of access including dates, persons involved and the alleged reason for denial.
- 2) A request for an involuntary transfer/discharge shall be made on the hearing request form prescribed by the Department which is to accompany the notice required by Sections 3-402 and 3-403 of the Nursing Home Act. Failure to use the prescribed form shall not affect the making of a written request for a hearing. If the prescribed form is not used a written request to the Department for the hearing should include the name and address of the resident being transferred, the name and address of the facility and a short statement of the reasons for appealing the decision.
- b) Notice of Hearing. Within a period of twenty-four (24) hours after the Department officially receives a Request for Hearing, the person making the request for a hearing and the Administrator of the facility making the decision which is being reviewed shall be notified by telephone of a Notice of Hearing which shall be followed by a written Notice of Hearing.
- 1) The Notice of Hearing shall contain:
- A) A statement of the nature of the Hearing;
- B) A statement of the time and place of the Hearing, which shall be held not less than six (6) days after the notice is mailed or delivered;
- C) A statement of the legal authority and jurisdiction under which the Hearing is to be held;
- D) A reference to the particular sections of the statutes and rules involved;
- E) A designation of the decision being reviewed; and
- F) Any statement of the matters asserted by the complainant.
- 2) The notice of Hearing shall be signed by the Director or duly appointed Hearing Officer.
- 3) The notice may be served by delivering it personally to the parties or their representatives or by mailing it by certified mail to the parties' addresses.
- c) Answers. Written answers to the matters asserted in a Notice of Hearing may but need not be filed by a Respondent. If an answer is filed it must be served on all parties at least 48 hours before the

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date-of-hearing:

- d) Motions--Motions-unless-made-during-a-hearing-or-the-prehearing conference--shall-be-made-in-writing--shall-set-forth-the-relief-or order-sought--and-shall-be-ruled-upon-on-the-day-of-such-hearing--or prior--to--such-hearing-after-notice-to-all-parties-and-opportunity-to be-heard-on-such-motion--The-requirement-of-writing-is-fulfilled-if the-motion-is-stated-in-a-written-Notice-of-Motion--Motions-based-on a-matter-which-does-not-appear-in-the-record--shall-be-supported-by affidavit:
- e) Motions--for--a--Continuance--Motions-for-a-continuance-shall-only-be granted-for-good-cause-shown--Except-in-cases-of-an-emergency-or-"Act of-God"--a-motion-for-a-continuance-shall-be-made-at-least-four--(4) days-before-the-hearing:

- 1) In-an-involuntary-transfer/discharge-hearing-a-continuance-will be-granted-only-if:

A) the-hearing-can-be-rescheduled-to-within-the-time-frames-set forth-in-Section-430.80(a)-of-this-part--or

B) the-day-selected-for-the-hearing-conflicts-with-the-schedule of-an-attorney-representing-one-of-the-parties--or

C) all-parties-agree-to-the-continuance--or

B) there-is-a-bona-fide-emergency-or-"Act-of-God"--

2) Emergencies--if-there-is-a-bona-fide-unforeseen-emergency motions-for-a-continuance-may-be-made-by-telephone-rather-than-in writing--Motions-by-telephone-shall-whenever-possible-be-made through-a-conference-call-involving-the-Hearing-Officer-and-all parties:

f) Responses--Any-party--to-a-hearing-may-respond-to-any-motion-or petition--Responses-shall-be-in-writing-unless-made-at-a-prehearing conference-or-a-hearing:

g) All-motions-shall-be-filed-with-the-Hearing-Officer-with-a-copy-being sent-to-all-other-parties:

h) All-written-documents--provided--for--under--this--Section--shall-be liberally--construed--with--a--view--toward--doing-substantial-justice between-the-parties:

(Source: Repealed at 25 Ill. Reg. _____, effective JUN 1 2000)

Section 430.80 Time and Place of the Hearing (Repealed)

- a) Time-frames-for-holding-hearings-under-this-part-are-as-follows:
- 1) The---Department---shall---schedule---and---hold---involuntary transfer/discharge-hearings-not-later-than-ten-(10)-days-after-a hearing-request-is-filed:
- 2) The-Department-shall-schedule--and-commence-a-denial-of-access hearing-within-thirty-(30)-days-of-the-receipt-of-a-request-for hearing:
- 3) In-the-case-of--an-emergency--as--provided--for--in--Section

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430.70(e)(2)--of--this--part--the-Hearing-Officer-may-extend-the above-time-frames:

b) The-location-of-hearings-under-this-part-shall-be-as-follows:

1) Involuntary-discharge/hearing-hearings-shall-be-held-at--the resident's-facility:

2) Denial--of--access--hearings-shall-be-held-at--the--location designated-in-the-Notice-of-Hearing--The-location-of-the-hearing may-be-moved-to-another-location-only-upon-the-agreement--of--all parties:

(Source: Repealed at 25 Ill. Reg. _____, effective JUN 1 2000)

Section 430.90 Service (Repealed)

a) The-Notice-of-Hearing-shall-be-served-by-delivering-it--personally--to the-parties--or-their-attorneys--or-by-mailing-it-by-certified-mail--to the-parties--addresses:

b) Subpoenas-issued-by-the-Director--or--Hearing-Officer--(Ref--Section 430.140-of-this-part)--may-be-served-as-provided-for-in-civil-actions:

c) All--other--papers--or--motions--unless--otherwise--provided--for--in--this part--shall-be-made-by-delivering-in-person--or-by--depositing--in--the United-States-Mail--properly-addressed-with-postage-prepaid--one-copy to-each-party-to-the-proceeding--When--any--party--or--parties--have appeared-by-attorney--service-shall-be-made-upon-the-attorney:

(Source: Repealed at 25 Ill. Reg. _____, effective JUN 1 2000)

Section 430.100 Discovery and Depositions (Repealed)

a) In-an-involuntary-transfer/discharge-hearing--discovery--shall--be--in accordance-with-the-following:

1) Any-party--may--take--the--testimony--of--any-person-or-party-by deposition-upon-oral-examination--for--use--as--evidence--in--the hearing-if:

A) there--is--reason--to--believe--that--the-person-to-be-deposed will-be-unavailable-for-testimony-at-the-hearing--and

B) the-person-taking-the-deposition-has-notified--all--parties and--arranged--with--them--a--time--and--place--for-taking-the deposition--and

C) the-deposition-is-taken-prior-to-the-scheduled-date--of--the hearing:

2) The-party-at-whose-instance-the-deposition-is-taken-shall-pay-the fees--of--the--witness--and--the--charges--of--the--recorder--or stenographer--for--attending--The-party--at--whose--request--a deposition--is--transcribed--shall--pay--the--charges--for transcription:

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- 3) Except as provided for in subparagraph (1) above, no other discovery shall be allowed in involuntary transfer/discharge hearings.
- b) In a denial of access hearing, discovery shall be in accordance with the following:
- 1) After service of a Notice of Hearing, discovery may be obtained through any of the following methods: depositions upon oral examination, written interrogatories to parties, inspection of documents, property and real evidence, Duplication of discovery methods to obtain the same information shall be avoided. All discovery shall be in a reasonable and timely manner.
 - 2) Discovery shall not be taken after the hearing has begun.
 - 3) A party desiring to take the deposition of any person upon oral examination shall serve written notice a reasonable time in advance on all other parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify him, and whether the deposition is for purposes of discovery or use in evidence. In the absence of specification as to whether the deposition is to be a discovery or an evidence deposition, the deposition shall be accompanied by a copy of the subpoena served upon the person to be deposed. Parties shall appear or produce their employees upon Notice without subpoena.
 - 4) The party at whose instance the deposition is taken shall pay the fees of the witness and the charges of the recorder or stenographer for attending, the party at whose request a deposition is transcribed shall pay the charges for transcription.
 - 5) Depositions may be used for any purpose that they could be used in the Circuit Court of this State in addition, when the offering party did not have reason to believe that the witness would be unavailable for testimony at the hearing, the discovery deposition may also be used as depositions are used in the federal courts of the United States under Rule 32 of the Federal Rules of Civil Procedure.
 - 6) Interrogatories may be directed by any party to a proceeding to any other party. Interrogatories shall be served on all parties in a timely manner so as to allow the party they are directed to sufficient time to respond. Answers to interrogatories may be used in evidence to the same extent as ~~discovery~~ ^{depositions}.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 430.110 Pre-Hearing Conference (Repealed)

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- a) In all involuntary transfer/discharge hearings the Hearing Officer shall schedule a pre-hearing conference. The pre-hearing conference shall be held immediately preceding the hearing.
- b) In any proceeding held pursuant to Section 2-110(d) of the Nursing Home Act, a pre-hearing conference, to be held anytime prior to the hearing, may be scheduled by the Hearing Officer
- 1) at his/her discretion, or
 - 2) upon a request for such conference by any party to the proceeding which is in compliance with paragraph (c) of this Section.
- c) A request for a pre-hearing conference must be made in writing and received by the Hearing Officer at least seven (7) days prior to the scheduled date of hearing. The requesting party shall serve all parties to the proceeding with a copy of the request.
- d) A pre-hearing conference shall be for the purpose of considering:
- 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing.
- e) After a pre-hearing conference the Hearing Officer shall make a report which recites any action taken by the Hearing Officer and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 430.120 Conduct of Hearing (Repealed)

- a) All hearings conducted in any proceeding subject to this part shall be open to the public.
- b) The Hearing Officer shall conduct hearings, administer oaths to witnesses, may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, regulate the course of hearings, hold informal conferences for the settlement, simplification or definition of issues, dispose of procedural requests, motions and similar matters, continue the hearing from time to time when necessary, examine witnesses, and rule upon the admissibility of evidence and amendments to pleadings.
- c) The Hearing Officer shall direct all parties to enter their appearance on the record.
- d) In the event of the inability of any party or the Department to procure the attendance of witnesses to give testimony or produce books and papers, any party or the Department may take the deposition of witnesses in accordance with the provisions of the laws of this State.

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- e) The Department, at its expense, shall record the testimony and preserve a record of all proceedings under these rules. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of 70 cents per page for each original transcript and 25 cents per page for each certified copy thereof. However, the charge for any part of such transcript ordered and paid for previous to the writing of the original record shall be 25 cents per page.
- f) All testimony taken at a hearing shall be reduced to writing, and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.
- g) The Director or Hearing Officer shall not be bound by common-law or statutory rules of evidence, or by technical or formal rules of procedure, but shall conduct hearings in the manner best calculated to result in substantial justice.
- h) All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions of law (if any) which support the decision. A copy of the whole or any part of an admissible book, record, paper or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. If in the judgment of the Hearing Officer such immaterial or irrelevant matter would unnecessarily encumber the record, such book, paper or document will not be received in evidence as a whole, but the material or relevant portions thereof, if otherwise admissible, may be read into the record or a true copy thereof supplied in the form of an exhibit. Objections to evidentiary offers may be made and shall be noted in the record.
- i) A party may conduct cross-examination required for a full and fair disclosure of the facts.
- j) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.
- k) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Hearing Officer may call upon any party or the technical staff of the Department or of Public Health or other Departments of State government or State Universities for further material or relevant evidence upon any issue.
- l) Official notice may be taken of matters of which circuit courts of this state may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified

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- either before or during the hearing, or by reference in preliminary reports or otherwise, or the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
- m) No exception need be taken to any ruling or action of the Department or of its Hearing Officer.

(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 1 2000)

Section 430.130 Burden of Proof (Repealed)

- a) In a denial of access hearing
- 1) the Complainant shall have the burden of showing that there was a denial of access
 - 2) the Respondent shall then have the burden of proof as to the right of the facility to refuse access under Section 2-110(d) of the Nursing Home Act.
- b) In an involuntary transfer/discharge hearing the respondent has the burden of proof. The Respondent shall open and close in such hearings.
- (Source: Repealed at 25 Ill. Reg. 7480, effective JUN 1 2000)

Section 430.140 Subpoenas (Repealed)

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Hearing Officer upon his/her own motion or upon the written request of any party to the proceeding. The Director or the Hearing Officer may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the Hearing Officer may deny or modify the request for subpoenas.
- b) Subpoenas issued by the Director or the Hearing Officer upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. All subpoenas issued by the Director or Hearing Officer may be served as provided for in civil actions. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to such proceeding at whose request the subpoena is issued. If such subpoena is issued at the request of the Department or by a person proceeding in forma pauperis the witness fee shall be paid by the Department as an administrative expense.

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(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 11 2001)

Section 430.150 Hearing Officer's Report and Final Decision (Repealed)

- a) At the conclusion of a hearing the Hearing Officer shall make a written report of the hearing with his findings of fact and conclusions of law and his recommendations if any to the Director which report shall be accompanied by a transcript of the record all exhibits admitted into evidence copies of all documents or evidence made a part of the record and any other material which is deemed to be a part of the record.
- b) If the Director has not presided at a hearing or has not read the record of the proceeding the provisions of Section 430.170 of this part shall be complied with prior to the Director entering a final decision.
- c) The Director shall adopt a final decision in each case supported by concise findings of fact and appropriate conclusions of law. The decision and supporting findings of fact and conclusions of law shall be made a part of the official record of each hearing. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding.
- d) A copy of any decision or order of the Director shall be served personally or by certified mail upon all parties of record or their agents appointed to receive service.

(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 11 2001)

Section 430.160 Proposal for Decision (Repealed)

- a) When the Director has not heard the contested case or read the record and his final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceeding.
- b) The proposal for decision shall be prepared by the Hearing Officer or one who has read the record. The proposal for decision shall:
- 1) indicate the proposed order;
 - 2) contain a statement of the reasons for the proposed decision;
 - 3) contain a statement of each issue of fact or law necessary to the proposed decision; and
 - 4) indicate the time in which the adversely affected parties have to file written exceptions and a brief.
- c) Any party adversely affected by the proposed decision shall have at least 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. Failure to file written exceptions and a brief in the time provided for in the proposal for

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decision shall be deemed a waiver of the right to file exceptions and a brief.

- d) The proposal for decision shall be served on all the parties personally or by certified mail.

(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 11 2001)

Section 430.170 Record of Proceedings (Repealed)

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
- 1) all pleadings (including all notices and responses thereto, motions, and rulings;
 - 2) a transcript of the hearing and all evidence received;
 - 3) a statement of matters officially noticed;
 - 4) offers of proof, objections and rulings thereon;
 - 5) proposed findings and exceptions;
 - 6) any decision, opinion or report by the Hearing Officer;
 - 7) all staff memoranda or data submitted to the Hearing Officer or members of the agency in connection with their consideration of the case; and
 - 8) any communication prohibited by Section 15 of the APA but such communications shall not form the basis for any findings of fact. The record shall not contain (1) below unless a party requests that the document or documents be included in the record.
- 1) Subpoenas
 - 2) Requests for Subpoenas
 - 3) Cover Letters
 - 4) Notices of Filing
 - 5) Certificates of Mailing for regular mail
 - 6) Notices of Depositions
 - 7) Discovery Requests
- c) The Department shall be the official custodian of the records of administrative hearings held before the Department.

(Source: Repealed at 25 Ill. Reg. 7480, effective JUN 11 2001)

Section 430.180 Miscellaneous (Repealed)

- a) Ex parte Consultation. Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex parte basis, the Hearing Officer or Director shall not, after notice of hearing, communicate directly or indirectly in connection with any issue of facts with any person or party, or in connection with any other issue with any party, his or her representative, or any person interested in the outcome of the proceeding, except upon notice and

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~~opportunity--for--all--parties--to--participate--However--a--Department employee--may--communicate--with--other--employees--of--the--Department--and the--Hearing--Officer--or--Director--may--have--the--aid--and--advice--of--one--or more--personal--assistants--~~

b) ~~Computation--of--Time--The--time--within--which--any--act--under--this--part--is to--be--done--shall--be--computed--by--excluding--the--first--day--and--including the--last--day--unless--the--last--day--is--a--Saturday--Sunday--or--a--holiday--as defined--or--fixed--by--statute--now--or--hereafter--in--force--in--this--state--and--then--it--shall--also--be--excluded--If--the--day--succeeding--such Saturday--Sunday--or--holiday--is--also--a--Saturday--Sunday--or--holiday--then--such--succeeding--day--shall--also--be--excluded--~~

c) ~~Construction--of--Rules--This--part--shall--not--be--construed--to--abrogate or modify--or--limit--any--rights--privileges--or--immunities--granted--or protected--by--the--Constitution--or--laws--of--the--United--States--or--the Constitution--or--laws--of--the--State--of--Illinois--In--case--of--any conflict--between--this--part--and--the--APA--or--the--Nursing--Home--Act--the terms--of--the--latter--shall--control--~~

d) ~~Waiver--Compliance--with--any--of--these--rules--or--with--any--or--all provisions--of--the--APA--regarding--contested--cases--may--be--waived--by written--stipulation--of--all--parties--~~

(Source: Repealed at 25 Ill. Reg. 7480, effective 11/1/2000)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Numbers: Adopted Action:
177.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Effective Date of Amendment: May 19, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 9, 2001, 25 Ill. Reg. 2339

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: By this Notice, the Department is updating the incorporation by reference date of 49 CFR 177 to the October 1, 2000 edition that is the most recent edition of the CFR. This rulemaking also includes the federal rulemaking adopted at 65 FR 60382, October 11, 2000. The following summaries provide a description of federal rulemakings that are applicable to this Part, that became effective since October 1, 1997 and that are included in the October 1, 2000 edition of the CFR.

Docket HM-169B (63 FR 48566, September 10, 1998) Removes regulations on "Radiation Protection Program" and related modal provisions that require persons who offer, accept for transportation, or transport radioactive materials to develop and maintain a written radiation program.

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Docket HM-1890 (63 FR 52844, October 1, 1998) Corrects editorial errors, makes minor regulatory changes, and improves the clarity of certain provisions in the HMR.

Docket HM-215C (64 FR 10742, March 5, 1999) Amends the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating changes to proper shipping names, hazards classes, packing groups, special provisions, and packaging authorizations. Also eliminates the "Keep Away From Food" label for poisonous materials in Division 6.1, Packing Group III.

Docket HM-225A (64 FR 28030, May 24, 1999) Revised regulations applicable to the transportation and unloading of liquefied compressed gases. The revisions include new inspection, maintenance, and testing requirements for cargo tank discharge systems, including delivery hose assemblies, and revised attendance requirements. Also revised the requirements for cargo tank emergency discharge control equipment.

Docket HM-225A (64 FR 36802, July 8, 1999) Delayed implementation of the May 24, 1999 final rule as it applies to chlorine unloading operations until January 1, 2000.

Docket HM-218 (65 FR 50450, August 18, 2000) Incorporates miscellaneous changes based on petitions for rulemaking and RSPA initiatives. This rulemaking updates, clarifies and improves regulatory requirements and provides relief from certain requirements where feasible.

Docket HM-1890 (65 FR 58614, September 29, 2000) Corrects editorial errors, makes minor regulatory changes and improves the clarity of certain provisions in the regulations.

Additionally, the Department's regulations will incorporate changes made in the following Docket:

Docket HM-1890 (65 FR 60382, October 11, 2000) Corrects the final rule of September 29, 2000.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 177

CARRIAGE BY PUBLIC HIGHWAY

Section	
177.1000	General
177.2000	Incorporation By Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. 7852, effective May 6, 1994; amended at 20 Ill. Reg. 6531, effective April 30, 1996; amended at 22 Ill. Reg. 5686, effective March 4, 1998; amended at 22 Ill. Reg. 17003, effective September 30, 1998; amended at 25 Ill. Reg. ~~7497~~ ⁷⁴⁹⁸, effective ~~MAY 1, 2001~~.

Section 177.2000 Incorporation By Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 177 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 2000; as amended at 65 FR 60382, October 11, 2000 ~~and as amended at 63 FR 37454, July 10, 1998~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part.
 - 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

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- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to part Parts 174, 175 or 176, or to sections therein shall be read to refer to those parts Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.

(Source: Amended at 25 Ill. Reg. 749, effective
MAY 1, 1981)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF EMERGENCY SUSPENSION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended for 180 days the license of Pinnfund USA, Carlsbad, California, License No. 4462, a licensee under the Act, for violating the terms of the Act, Section 4-5(i)(5), and the rules and regulations adopted thereunder, effective June 6, 2001.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000.00 dollars against Mortgage Challenge Seekers, Inc., License No. 5501, of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 1, 2001.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

WITHDRAWAL OF DEBARMENT

Pursuant to a court order in Cooling Landscape Contractors, L.L.C. v. Healey, et al., Case No. 01 MR 195 (Winnebago County Cir. Ct.), the Director of the Department of Labor hereby withdraws the Notice of Public Information: Contractor Prohibited from Award of a Contract or a Subcontract for Public Works Projects, 25 Ill. Reg. 6561 (May 18, 2001), pending the resolution of the before-referenced administrative review action.

Copies of the Prevailing Wage Act are available on the internet at <<http://www.legis.state.il.us/ilcs/ch820act130.htm>>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701-1217

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 29, 2001 through June 4, 2001 and have been scheduled for review by the Committee at its June 12, 2001 or July 10, 2001 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
7/13/01	Department of Human Rights, Housing Discrimination (71 Ill Adm Code 2300)	4/13/01 25 Ill Reg 5216	6/12/01
7/12/01	Department of Public Aid, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149)	3/23/01 25 Ill Reg 4116	6/12/01
7/13/01	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	4/13/01 25 Ill Reg 5244	6/12/01
7/12/01	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	3/30/01 25 Ill Reg 4316	7/10/01
7/13/01	Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)	4/13/01 25 Ill Reg 5156	7/10/01
7/13/01	Department of Human Services, General Assistance (89 Ill Adm Code 114)	4/6/01 25 Ill Reg 4795	7/10/01
7/13/01	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	3/9/01 25 Ill Reg 3347	7/10/01
7/14/01	Department of Human Services, Treatment and Habilitation Services (59 Ill Adm Code 112)	3/23/01 25 Ill Reg 4086	7/10/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Date	Notice	Effective Date
7/14/01	Department of Human Services, Temporary Assistance for Needy Families (89 Ill Adm Code 112)	3/30/01 25 Ill Reg 4380
7/15/01	Department of Children and Family Services, Services Delivered by the Department of Children and Family Services (89 Ill Adm Code 302)	3/23/01 25 Ill Reg 4065
7/15/01	Department of Insurance, Definitions of the Terms "Noncancellable" and "Renewable", and "Guaranteed Renewable" (50 Ill Adm Code 2003)	3/9/01 25 Ill Reg 3349

PROCLAMATIONS

2001-174 (REVISED)
STROKE AWARENESS MONTH

WHEREAS, the American Stroke Association, a division of the American Heart Association, is celebrating May 2001 as Stroke Awareness Month throughout the State; and

WHEREAS, acknowledging the month of May as Stroke Awareness Month offers advocates for stroke awareness an opportunity to educate the public and policymakers about the devastating effects of stroke; and

WHEREAS, stroke is the third leading cause of death in the United States striking over 600,000 Americans each year; and

WHEREAS, stroke is a leading cause of disability in adults, with over 4.5 million stroke survivors today; and

WHEREAS, the majority of Americans are not aware of their risk factors for a stroke, nor are they aware of the signs and symptoms of an impending stroke; and

WHEREAS, symptoms of stroke include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion; trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and

WHEREAS, stroke kills more women each year than breast cancer, and the stroke death rate is greater among African Americans and seniors; and

WHEREAS, stroke leads to the death and disability of more than 14 percent of Illinois citizens each year; and

WHEREAS, new and effective treatments have been developed to treat and ease the severity and damaging effects of strokes, but much more research is needed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as STROKE AWARENESS MONTH in Illinois.

Issued by the Governor May 17, 2001.

Filed by the Secretary of State May 31, 2001.

2001-307

FIREFIGHTER DAY

WHEREAS, Illinois will honor some of its bravest members of the firefighting profession for their heroic actions at the Fallen Firefighter Medal of Honor Ceremony; and

WHEREAS, the Illinois Firefighter Memorial stands on the lawn of the Illinois State Capitol and symbolizes our gratitude to the men and women who risk their lives everyday to protect people and their property; and

WHEREAS, at the site of the memorial, final respects will be paid to the five firefighters who lost their lives in the line of duty in 2000: Firefighter Don R. Wilson of the Herrick Fire Department, Lt. L. C. Merrell of the Chicago Fire Department, Captain Steven Wilmot of the Springfield Fire Department, Captain Thomas Gotkowski of the Tinley Park Volunteer Fire Department, and Lt. Scott Gillen of the Chicago Fire Department; and

WHEREAS, the families of these fallen heroes will receive the Line of Duty Death Gold Badge Award; and

WHEREAS, Firefighter Joseph Jay, Kankakee Fire Department and Firefighter Patrick McDermott, Chicago Fire Department will receive the Medal of Honor, the

highest award given by the State of Illinois to a firefighter for an act of outstanding bravery; and

WHEREAS, the Medal of Valor, the second highest award given to a firefighter for an act of heroism will be awarded to Captain Thomas Sutkus, Chicago Fire Department; Firefighter Tim Pogue, Aurora Fire Department; Firefighter Daniel Tasso, Downers Grove Fire Department; Firefighter Robert Padgett, Downers Grove Fire Department, and Firefighter Ronald Rains, Jr., West Frankfort Fire Department;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2001, as FIREFIGHTER DAY in Illinois.

Issued by the Governor May 10, 2001.

Filed by the Secretary of State May 31, 2001.

2001-308

HIS HOLINESS SYEDNA MOHAMMED BURHANUDDIN (TUS) WEEK

WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS), the 52nd Fatemi Dai al-Mutiaq, is invested with full and absolute authority to be the sole deputy and vicegerent of the Fatimi Imam in seclusion and is the spiritual head of the Dawoodi Bohras; and

WHEREAS, his many followers benefit from his experience, wise guidance, deep erudition and purposeful direction in temporal and spiritual matters; and

WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS) is an accomplished leader with the legacy of 875 years and the beloved son and chosen successor of Al Muqaddas Syedna Taher Saifuddin Saheb (RA); and

WHEREAS, as a zealous devotee of Islam, he has constantly and unshakably practiced the precepts of the faith and dedicated a lifetime to the study of Islam, Arabic, literature and philosophy; and

WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS) remains the inspiration and anchor of hope for his followers; and

WHEREAS, he has established many organizations, trusts, and institutions for the benefit of all, and he has built a magnificent Raudat Tahera and many other mazaars, zarihs and masjids;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 21-25, 2001, as HIS HOLINESS SYEDNA MOHAMMED BURHANUDDIN (TUS) WEEK in Illinois.

Issued by the Governor May 11, 2001.

Filed by the Secretary of State May 31, 2001.

2001-309

BETHEL A.M.E. CHURCH DAY

WHEREAS, Historic Bethel African Methodist Episcopal Church in Chicago, Illinois, is hosting its 139th Anniversary Celebration this year; and

WHEREAS, many activities, such as a bus tour and narration of past Bethel sites, a recognition and appreciation ceremony, the annual Bethel Y.P.D. Block Party, and a worship service have been planned over two weekends in June; and

WHEREAS, the history of Bethel begins at the close of the Civil War, during which many African American people were migrating to Chicago; and

WHEREAS, responding to the petition of organizers in 1862 who were seeking another A. M. E. Church, Bishop William Paul Quinn formally organized the Bethel A.M.E. Church; and

WHEREAS, during the 139 years of its existence, members of Bethel have worshipped at 16 different sites, including the first site at Griswold between Jackson and Van Buren; and

WHEREAS, in 1946, the church purchased a splendid old mansion, known affectionately as the Parish House, at the corner of 45th and Michigan Avenue to house part of the Bethel congregation, and on June 10, 1951, the current site at South Michigan Avenue was dedicated; and

WHEREAS, Bethel has had a long list of outstanding pastors over the years, including Rev. Reverdy C. Ransom, who served from 1895-1900 and is recorded in several history books as one of America's most eloquent speakers, Rev. A. Wayman Ward who held the congregation together and kept it strong from 1928-1949, Rt. Rev. Robert Thomas, Jr., who served from 1963-1973, Rev. David C. Coleman, Jr., who served from 1972-1987, and the current pastor, Rev. Michael K. Hurst; and

WHEREAS, Presiding Elder David C. Coleman, Jr., will speak at the worship service on Sunday, June 24, 2001, to celebrate Bethel's 139th anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2001, as BETHEL A.M.E. CHURCH DAY in Illinois.

Issued by the Governor May 17, 2001.

Filed by the Secretary of State May 31, 2001.

2001-310

CHILD CARE BUSINESS EXPO 2001 DAY

WHEREAS, the Third Annual Child Care Business Expo, which focuses on the business of child care, will be held on June 23, 2001, in Chicago; and

WHEREAS, the Child Care Business Expo is a unique event to Chicago women, and one that speaks to the heart of the child care crisis;

WHEREAS, the Child Care Business Expo is an opportunity for women interested in the child care industry to gain information, resources, and training on various aspects of becoming a child care provider. The Expo includes workshops for new and existing child care providers and an exhibit area for child care resource and support organizations to showcase their programs, products and services; and

WHEREAS, the Women's Business Development Center, a not-for-profit organization dedicated to assisting women start or expand their businesses, launched a major initiative in partnership with Child Care Initiatives of Hull House Association in early 1999 to support women in the child care industry and has assisted over 700 women start or expand their child care businesses; and

WHEREAS, child care is of critical need in our state, and the women who attend the Expo provide service and equality to the families of Chicago, and because the fastest growing segment in the population of Chicago is among Hispanics, the Expo will be presented in Spanish and English; and

WHEREAS, the Expo participants include women interested in the child care industry, as well as current home-based and center-based child care providers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 2001, as CHILD CARE BUSINESS EXPO 2001 DAY in Illinois.

Issued by the Governor May 17, 2001.

Filed by the Secretary of State May 31, 2001.

2001-311

HERITAGE GAMES DAY

WHEREAS, the Heritage Games, sponsored by the Illinois Council on Long Term Care, will be held in Chicago on June 6, 2001; and

WHEREAS, this exciting and unique sporting event provides hundreds of residents from dozens of nursing and rehabilitation centers the opportunity to compete in a variety of skill-appropriate athletic activities; and

WHEREAS, the purpose of the Heritage Games is to help residents retain or expand their skills through participation in physical fitness activities with other residents at the same level of ability; and

WHEREAS, the Heritage Games enable residents from Chicago and other areas of the State to socialize with each other; and

WHEREAS, the Heritage Games offer residents the opportunity to experience a sense of pride, achievement, and recognition for their efforts, which impacts their sense of independence and feelings of well-being;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 2001, as HERITAGE GAMES DAY in Illinois.

Issued by the Governor May 17, 2001.

Filed by the Secretary of State May 31, 2001.

2001-312

AMERICAN GI FORUM WEEK

WHEREAS, thousands of Latino Americans served our country in World War II, returning home only to face denial of their rights as veterans and the basic American freedoms for which they had fought so hard; and

WHEREAS, the American GI Forum is the nation's largest Hispanic veterans organization, serving both veterans and their communities for more than 40 years; and

WHEREAS, the American GI Forum is devoted to furthering the interests of Americans of Mexican descent and has participated in projects and programs in Mexican-American communities throughout Illinois; and

WHEREAS, the American GI Forum is a source of pride to all citizens of Mexican-American descent as the organization works to enhance the quality of life and create new opportunities for growth and development; and

WHEREAS, the American GI Forum is holding its annual conference August 6-12, 2001, at the Tinley Park Convention Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 6-12, 2001, as AMERICAN GI FORUM WEEK in Illinois.

Issued by the Governor May 18, 2001.

Filed by the Secretary of State May 31, 2001.

2001-313

CHILDREN'S VISION AND LEARNING MONTH

WHEREAS, promoting the education of children concurrently supports the development of each child's human potential, societal productivity and personal pursuit of happiness; and

WHEREAS, vision plays a major role in the learning process because the ability to learn is largely dependent upon visual learning pathways; and

WHEREAS, 80 percent of the learning that takes place in the educational environment is dependent upon vision; and

WHEREAS, researchers estimate that approximately 25 percent of school children may have vision-related learning problems; and

WHEREAS, the American Foundation for Vision Awareness serves the nation and its children by funding research grants and scholarships and by providing vision-related educational programs and materials to librarians, school and public nurses, and public service agencies and educators; and

WHEREAS, the American Foundation for Vision Awareness is dedicated to increasing public awareness of the importance of vision care and the crucial relationship between vision and learning;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as CHILDREN'S VISION AND LEARNING MONTH in Illinois.

Issued by the Governor May 18, 2001.

Filed by the Secretary of State May 31, 2001.

2001-314

DOROTHY FERGUSON DAY

WHEREAS, Dorothy Delores Wrincik was born in Springfield, the State Capitol of Illinois, on January 2, 1932; and

WHEREAS, she graduated from St. John's School of Nursing in September 1953; and

WHEREAS, Dorothy Wrincik began her married life with Leonard E. Ferguson on August 27, 1955; and

WHEREAS, Dorothy and Leonard Ferguson brought six children (Ann, Leonard, Jean, David, Jo and Gail) into the world between 1956 and 1967, four of whom were born May 17 of different years, thereby missing inclusion in the Guinness record book by one child; and

WHEREAS, during the time she was rearing her family, she continued to maintain her nursing skills by working at St. John's Hospital and in other nursing positions; and

WHEREAS, in the mid-1970s, Dorothy started to work as an occasional relief nurse at the Capitol; and

WHEREAS, on January 1, 1977, as a staff member of the Illinois Department of Public Health's Division of Emergency Medical Services and Highway Safety, she became the full-time first aid nurse at the Capitol; and

WHEREAS, Dorothy spent the next 24 years serving the first-aid needs of thousands of legislators, State employees and visitors to the Capitol; and

WHEREAS, she helped many in State government monitor their weight, their cholesterol levels, their blood pressure and their blood glucose levels; and

WHEREAS, she educated all with whom she came in contact about healthy lifestyles, including the benefits of nutritious meals and regular physical activity; and

WHEREAS, Dorothy plans to retire on May 31, 2001, to spend more time with her nine grandchildren, Stacy, Kevin, Robert, Katie, Andrew, Jessica, Max and Lindsey, and to pursue her interests in horses, dogs, travel, fitness and garage sales;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Tuesday, May 22, 2001, as DOROTHY FERGUSON DAY in Illinois.

Issued by the Governor May 18, 2001.

Filed by the Secretary of State May 31, 2001.

2001-315

INTERNATIONAL SNOWMOBILE CONGRESS WEEK

WHEREAS, the importance of snowmobiling as a winter recreation activity cannot be understated; and

WHEREAS, snowmobiling is beneficial to northern Illinois' economy during the winter months; and

WHEREAS, the Department of Natural Resources and the Illinois Association of Snowmobile Clubs work cooperatively to enhance the sport of snowmobiling in the state; and

WHEREAS, the Department of Natural Resources has provided in excess of \$3.1 million in grant assistance during the last 20 years to improve snowmobiling opportunities in Illinois; and

WHEREAS, the Illinois Association of Snowmobile Clubs has helped raise the level of awareness of the importance of safe snowmobiling; and

WHEREAS, the International Snowmobile Congress is gathering in Itasca on June 5-9, 2001; and

WHEREAS, this is the largest annual gathering of snowmobile enthusiasts, industry representatives and State and provincial officials in North America;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3-9, 2001, as INTERNATIONAL SNOWMOBILE CONGRESS WEEK in Illinois.

Issued by the Governor May 21, 2001.

Filed by the Secretary of State May 31, 2001.

2001-316

KENNETH G. MENSING DAY

WHEREAS, Kenneth G. Mensing inspected and closed down dozens of old landfills that continuously violated environmental requirements and ensured that current landfills seldom have operational violations; and

WHEREAS, he was instrumental in securing State funds and providing oversight for one of the first State-funded environmental emergency cleanups involving a huge Lehmkuhl demolition debris disposal site that caught fire and adversely impacted St. Louis and nearby interstate highways; and

WHEREAS, Kenneth G. Mensing is known throughout the Illinois EPA and the metro east area as "Mr. East St. Louis" for his extensive efforts in dealing with a broad spectrum of environmental problems and violations in the region and for his development of an effective rapport with city officials and others to make improvement in waste-related issues confronting the citizens of East St. Louis; and

WHEREAS, Kenneth G. Mensing and his staff worked long and hard days monitoring the effects of the great Mississippi River flood of 1993 as two major landfills and several large industrial sites were impacted by the rising waters, and the guidance and direction provided by Ken and his staff kept environmental damage to a minimum and was well-received by the affected facilities and citizens; and

WHEREAS, he was an instrumental force in working closely with USEPA (Region 5) and local governments and citizens groups in the early implementation of the comprehensive environmental Gateway initiative that resulted in the improvement of environmental conditions in the East St. Louis area; and

WHEREAS, Kenneth G. Mensing was the first person to identify and investigate environmental problems associated with Dead Creek and the Sauget area where extensive contamination led to further studies and the identification of serious environmental problems resulting in the area becoming one of the largest and most complex Superfund sites in the State; and

WHEREAS, he has worked closely with two major metro east counties through the delegated county program to mitigate solid waste landfill and open dumping problems that the Illinois EPA could not have accomplished alone; and

WHEREAS, Kenneth G. Mensing was instrumental in working with county officials to secure a joint funding agreement in a \$3 million project to properly and permanently close a major Belleville landfill; and

WHEREAS, Kenneth G. Mensing will retire from the Illinois Environmental Protection Agency on May 25, 2001, after 32 years of service; and

WHEREAS, he will be honored by friends, coworkers and family at a reception on May 24, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 24, 2001, as KENNETH G. MENSING DAY in Illinois.

Issued by the Governor May 21, 2001.

Filed by the Secretary of State May 31, 2001.

2001-317

PHILIPPINE 103 YEARS OF INDEPENDENCE DAY

WHEREAS, the Filipino American community in Illinois is celebrating a milestone in the history of the Philippines; and

WHEREAS, the Filipino American community is sharing the celebration of 103 years of Philippine Independence from colonial rule with people from all over the world; and

WHEREAS, the commemoration of 103 years of freedom demonstrates the strength and cohesiveness of the people and the energy of the Filipino spirit; and

WHEREAS, the achievements of Filipino Americans have contributed to our nation's social, economic and political progress;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 12, 2001, as PHILIPPINE 103 YEARS OF INDEPENDENCE DAY in Illinois.

Issued by the Governor May 21, 2001.

Filed by the Secretary of State May 31, 2001.

2001-318

FAMILY HISTORY WEEK

WHEREAS, the Federation of Genealogical Societies, the Blackhawk Genealogical Society of Rock Island and Mercer Counties Illinois, and the Scott County Iowa Genealogical Society are hosting the annual FGS/Quad Cities Conference, September 12-15, 2001, in Davenport, Iowa; and

WHEREAS, in conjunction with the conference, the Federation of Genealogical Societies is celebrating its 25th anniversary; and

WHEREAS, the Federation now has more than 550 member societies, representing nearly 500,000 genealogists in North America; and

WHEREAS, the conference is designed to provide help to the local genealogical societies to grow and better meet the needs of their members; and

WHEREAS, many exciting speakers and lecture series are planned for this conference to motivate and inspire genealogists to take a look at the value of their own lives and learn how they can leave a meaningful record for their descendants;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 12-15, 2001, as FAMILY HISTORY WEEK in Illinois.

Issued by the Governor May 22, 2001.

Filed by the Secretary of State May 31, 2001.

2001-319

FLAG MONTH

WHEREAS, for over two centuries, the American Flag has been a banner of hope for generation after generation of Americans; and

WHEREAS, the flag is the symbol of a country that has grown from 13 colonies to a united nation of 50 sovereign states; and

WHEREAS, the Pledge of Allegiance to the flag was first used in 1892 and was made official by the Congress of the United States in 1945; and

WHEREAS, the first flag of the United States was authorized by Congressional Resolution on June 14, 1877; and

WHEREAS, in 1949, the United States Congress officially designated June 14th of each year as National Flag Day to be observed by the display of the flag and by appropriate ceremonies;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14 - July 14, 2001, as FLAG MONTH in Illinois.

Issued by the Governor May 22, 2001.

Filed by the Secretary of State May 31, 2001.

2001-320

PALATINE CHILDREN'S CHOIR DAYS

WHEREAS, the Palatine Children's Choir has been selected to represent the State of Illinois in the 2001 Canterbury International Children's Choir Festival; and

WHEREAS, the Children's Choir Festival will take place in the historic Canterbury Cathedral, and David Flood, a well-known organist and choirmaster of the Cathedral, will serve as festival consultant and clinician; and

WHEREAS, the choir will participate in the Canterbury International Children's Choir Festival July 12-21, 2001, in Great Britain; and

WHEREAS, the Palatine Children's Choir is directed by Susan Falbo and was selected based upon recommendations of State music officials and audition tapes; and

WHEREAS, a complete program of scheduled workshops, rehearsals, sightseeing in and around Canterbury, together with performances in the Cathedral, will offer unique and stimulating opportunities for the Palatine Children's Choir;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 12-21, 2001, as PALATINE CHILDREN'S CHOIR DAYS in Illinois.

Issued by the Governor May 22, 2001.

Filed by the Secretary of State May 31, 2001.

2001-321

POLIO WEEK

WHEREAS, the last epidemic outbreak of polio (poliomyelitis, infantile paralysis) in Illinois was in 1954, leaving an estimated 10,000 to 12,000 polio survivors; and

WHEREAS, rehabilitation had proven successful until new symptoms, including fatigue, muscle weakness, joint and muscle pain, cold intolerance, and breathing and swallowing difficulty, began to surface within the polio

population 25 to 30 years after the original onset of the disease; and

WHEREAS, approximately 25 percent of all polio survivors will fall victim to these new, debilitating symptoms referred to as post polio syndrome, including 3,000 to 4,000 citizens of Illinois; and

WHEREAS, the 2001 observance of "National Polio Week" provides a unique opportunity for the citizens of Illinois to join together to promote research into the cause and eventual cure of post polio syndrome;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5-11, 2001, as POLIO WEEK in Illinois.

Issued by the Governor May 22, 2001.

Filed by the Secretary of State May 31, 2001.

2001-322

MIKE YAGER DAYS

WHEREAS, Tweeks was founded in Indianapolis, Indiana, in 1976 to meet the needs of Porsche enthusiasts who wished to maintain, customize or enhance the performance of their automobiles; and

WHEREAS, Mike Yager, purchased the assets of Tweeks to become a subsidiary of Mid America Direct, Inc. in June 1999; and

WHEREAS, Tweeks now serves as a national sponsor for PCA Club Racing and Rennlist events across the nation; and

WHEREAS, in Mr. Yager's willingness to share his hobby and his profession with both seasoned and future enthusiasts, he has opened his research and development facility to the public; and

WHEREAS, in the spirit of volunteerism, Mr. Yager has selflessly given his time and energy to the Effingham area, paying special attention to the needs of young people; and

WHEREAS, Tweeks has become a major force in the Porsche aftermarket with unprecedented growth following its incorporation into the Mid America Direct Inc. family of automotive catalogs; and

WHEREAS, Tweeks will celebrate its Silver Anniversary on July 21-22, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, July 21-22, 2001, as MIKE YAGER DAYS in Illinois.

Issued by the Governor May 23, 2001.

Filed by the Secretary of State May 31, 2001.

2001-323

THE CHICAGO DEFENDER CHARITIES' BUD BILLIKEN DAY

WHEREAS, for 72 years, the annual Chicago Defender Charities' Bud Billiken Parade and picnic has provided wholesome fun and entertainment without charge to thousands of children; and

WHEREAS, the Bud Billiken observance gives adults an opportunity to share fun and fellowship with youth; and

WHEREAS, this year's Bud Billiken Parade marks the 72nd year of this noteworthy and neighborly celebration; and

WHEREAS, the Bud Billiken Parade and Picnic has been one of the most distinguished and outstanding events in Illinois, worthy of the wholehearted support of all citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 11, 2001, as THE CHICAGO DEFENDER CHARITIES' BUD BILLIKEN DAY in

Illinois.

Issued by the Governor May 23, 2001.

Filed by the Secretary of State May 31, 2001.

2001-324

UNITED STATES SUBMARINE VETERANS OF WORLD WAR II DAYS

WHEREAS, although submarines constituted only three percent of the Navy's ships and crewman made up only 1.6 percent of Naval personnel, the submarine played an important role in World War II, sinking 55 percent of the Japanese and naval merchant fleets; and

WHEREAS, while the submarine made a tremendous impact during World War II, the cost to America was high. The Submarine Service complemented lost 52 boats and 3,505 men--the highest casualty rate of any military unit; and

WHEREAS, the purpose of the U.S. Submarine Veterans organization is to "perpetuate the memory of those shipmates who gave their lives in submarine warfare, to further promote and keep alive the spirit and unity that existed among United States Navy submarine crewmen during World War II, to promote sociability, general welfare and good fellowship among its members, and to pledge loyalty and patriotism to the United States government"; and

WHEREAS, Jack Tolliver of Edwardsville, Illinois, is this year's National President of U.S. SubVets WWII; and

WHEREAS, the United States Submarine Veterans of World War II will hold its 47th Annual National Convention August 22-26, 2001, alongside the mighty Mississippi River in St. Louis, Missouri; and

WHEREAS, the Illinois-Missouri Rebel Squadron, with members from Illinois and Missouri, will host the convention, with between 1,500 and 2,500 SubVets, wives and widows expected to attend;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 22-26, 2001, as UNITED STATES SUBMARINE VETERANS OF WORLD WAR II DAYS in Illinois.

Issued by the Governor May 23, 2001.

Filed by the Secretary of State May 31, 2001.

2001-325

MEMORIAL DAY

WHEREAS, Memorial Day has been officially celebrated in this country since May 1868 as a way of honoring and remembering the sacrifices of those brave soldiers who gave their lives in defense of their country; and

WHEREAS, in our hectic daily lives, we often fail to remember those who fought and died for our country; and

WHEREAS, Memorial Day should be made relevant to both present and future generations of Americans; and

WHEREAS, a law was passed by Congress creating the White House Commission on the National Monument of Remembrance to create greater understanding of the meaning of Memorial Day; and

WHEREAS, a statewide Moment of Remembrance should be observed on Memorial Day with all citizens pausing at 3:00 p.m.; and

WHEREAS, wherever they happen to be, all citizens of Illinois, whether alone or with others, should be encouraged to participate in a Moment of Remembrance and respect, including persons at public and recreational facilities open on

Memorial Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 28, 2001, as MEMORIAL DAY in Illinois and designate 3:00 p.m. as a time to simultaneously pause and unite in reflection to honor those Americans who gave their lives in securing the blessings of our liberty.

Issued by the Governor May 24, 2001.

Filed by the Secretary of State May 31, 2001.

2001-326

AMTRAK OFFICER OF THE YEAR DAY

WHEREAS, Amtrak is committed to the safety of its passengers, and thanks to the efforts of the Amtrak Police Department, serious incidents involving passengers and staff are infrequent; and

WHEREAS, each year, the Amtrak Police Department conducts an Officer of the Year Ceremony to honor an individual for especially meritorious and courageous conduct in their service to the railroad; and

WHEREAS, Amtrak Police Investigator Eric Romano has been chosen to receive this prestigious award for his extraordinary act of courage involving the risk of imminent personal danger to himself and others; and

WHEREAS, on December 12, 2000, Investigator Romano became involved in a struggle with an armed suspect while conducting a drug interdiction operation at Chicago Union Station;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 31, 2001, as AMTRAK OFFICER OF THE YEAR DAY in Illinois and recognize Investigator Eric Romano for his bravery and swift call to action.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-327

FATHER GINO DALPIAZ, C.S. DAY

WHEREAS, Father Gino Dalpiaz, C.S. is celebrating his 50th Anniversary of Priesthood on June 24, 2001; and

WHEREAS, Father Dalpiaz is the eldest of ten children of Firmino and Gelinda Dalpiaz, who came to this country from Northern Italy in the mid 1920s; and

WHEREAS, Father Gino Dalpiaz, C.S. studied at Sacred Heart Seminary, a Scalabrinian Preparatory Seminary in Melrose Park, and after his novitiate he was in Rome six years for graduate and postgraduate studies in philosophy and theology where he was ordained on July 8, 1951; and

WHEREAS, Father Gino Dalpiaz, C.S. returned to the United States from Rome and served as professor, spiritual director and novice master in Scalabrinian seminaries and later as an associate pastor and pastor in various Scalabrinian churches. He returned to Rome to serve as a member of the general secretariat at the General House of the Scalabrinian Missionaries; and

WHEREAS, for the past 12 years, Father Gino Dalpiaz, C.S. has been the Director of the Italian Cultural Center in Stone Park, Illinois; and

WHEREAS, a Solemn Mass of Thanksgiving will be offered in Father Dalpiaz's honor at Our Lady of Mount Carmel Church in Melrose Park, Illinois, followed by a banquet at the Alta Villa Banquets in Addison, Illinois, on June 24, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2001, as FATHER GINO DALPIAZ, C.S. DAY in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-328

FATHER JAROSLAW SWYCHUK DAY

WHEREAS, Msgr. Canon Jaroslav Swyschuk is celebrating his 50th Anniversary of Priesthood on June 9, 2001; and

WHEREAS, Father Jaroslav Swyschuk was an assistant at St. Nicholas Cathedral from 1962-1982, and afterwards he spent part of his active missionary life in Nazareth, South America, India and Ukraine establishing missions, a seminary and a museum in Ukraine; and

WHEREAS, Father Jaroslav Swyschuk returned to St. Nicholas Cathedral in 1999 and was assigned by Bishop Michael Wiwchar, CSSR as rector-pastor; and

WHEREAS, in Father Swyschuk's honor, the Divine Liturgy of Thanksgiving will be offered at St. Nicholas Ukrainian Catholic Church followed by a banquet in the St. Nicholas Ukrainian Catholic School Auditorium on June 9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2001, as FATHER JAROSLAW SWYCHUK DAY in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-329

MDA FIREFIGHTER APPRECIATION MONTH

WHEREAS, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and

WHEREAS, their immense contributions, both of personal risk and time devoted to public service, should be acknowledged; and

WHEREAS, last year, firefighters in 170 Illinois communities raised and donated more than \$400,000 to the Muscular Dystrophy Association (MDA);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as MDA FIREFIGHTER APPRECIATION MONTH in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-330

FOSTER PARENT MONTH

WHEREAS, foster parents throughout Illinois perform a crucial service to the state by providing love, safety, and a caring home for tens of thousands of abused or neglected children; and

WHEREAS, foster parents provide a crucial transitional parenting role for such children until permanent adoptive homes can be found for them; and

WHEREAS, the Illinois Foster Parent Association continues to work closely with the Illinois Department of Children and Family Services to create a foster care system that will provide the most efficient process for moving children out of dangerous home environments and into safe and loving foster families; and

WHEREAS, the great majority of adoptions of foster children are by the foster parents with whom they have lived and bonded; and

WHEREAS, the month of May 2001 has been declared as Foster Parent Month

throughout the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as FOSTER PARENT MONTH in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-331

GREGORY R. KLEMM DAY

WHEREAS, the Order of DeMolay International is an organization dedicated to preparing young men to lead successful, happy, and productive lives; and

WHEREAS, DeMolay teaches young men between the ages of 12 and 21 how to become better persons and leaders by building character and leadership skills; and

WHEREAS, the Order of DeMolay International combines a serious mission with a fun approach that builds important bonds of friendship among members in more than 1,000 chapters worldwide; and

WHEREAS, masonry strives to make good men better, and the Masonic advisors to the DeMolay chapters strive to help young men become better persons as they grow into adulthood; and

WHEREAS, over the years, the Order of DeMolay International has had many distinguished members, including Walt Disney, John Wayne, Walter Cronkite, Frank Tarkenton, Tom Osborne, David Goodnow, and many others; and

WHEREAS, during the 81st International Supreme Council Session held in Anaheim, California, from June 13-16, 2001, Gregory R. Klemm of Elgin, Illinois, will be officially elected to the office of Grand Master;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 16, 2001, as GREGORY R. KLEMM DAY in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-332

QUEBEC WEEK

WHEREAS, Illinois' links with Quebec extend back to the colonial period with the explorations of Pere Jacques Marquette and Louis Joliet, whose names are commemorated in the streets and towns of our State; and

WHEREAS, La Saint-Jean-Baptiste, the national holiday of the Quebec people, falls each year on June 24, the feast day of Saint John the Baptist; and

WHEREAS, La Saint-Jean-Baptiste is a day marked by family celebrations, including parades, fireworks, and popular concerts; and

WHEREAS, symbolizing its historic, commercial links with the Midwest, Quebec is an associate member in the Council of Great Lakes Governors and the Great Lakes Commission; and

WHEREAS, Quebec is an important and growing business partner of Illinois; and

WHEREAS, the Governor's Office of Ethnic Affairs, along with the Quebec Delegation in Chicago will sponsor a Quebec exhibit at the James R. Thompson Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

June 24 - 30, 2001, as QUEBEC WEEK in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-333

VETERANS' WIDOWS DAY

WHEREAS, for more than 200 years veterans' widows have served the United States of America selflessly in support of our country's armed forces and our state's national guard; and

WHEREAS, veterans' widows often give up their own careers and interests to serve our country and State; and

WHEREAS, veterans' widows make great personal sacrifices to ensure that our armed forces are well supported on the local and national levels;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 28, 2001, as VETERANS' WIDOWS DAY in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-334

CHICAGO JOBS COUNCIL DAY

WHEREAS, the Chicago Jobs Council has provided 20 years of outstanding community service in the area of welfare and workforce advocacy, working to enhance the quality of life for unemployed and low-income individuals residing in Illinois; and

WHEREAS, the Chicago Jobs Council has grown, its membership to include over 100 community-based organizations, civic groups, businesses and individuals committed to its mission of increasing job opportunities for all residents with an emphasis on those in poverty, racial minorities, the long-term unemployed, women and others who experience systemic exclusion from employment and career mobility; and

WHEREAS, the Chicago Jobs Council has garnered the respect of policymakers, business leaders and the media, all of whom regularly seek the Chicago Jobs Council's viewpoints and rely on the Chicago Jobs Council staff as a key information resource; and

WHEREAS, over the past 20 years, the Chicago Jobs Council has learned to effectively leverage its knowledge to influence city and State plans for implementing new federal welfare and workforce legislation, and it has created resources to build the capacity of effective job training organizations and has strengthened its role as an information clearinghouse; and

WHEREAS, since its founding in 1981, the Chicago Jobs Council has demonstrated unequalled leadership and dedication in expanding job and economic opportunities for disadvantaged individuals and families in Illinois; and

WHEREAS, the Chicago Jobs Council has broadened its coalition and influence far beyond its original vision and now stands as a model for several U.S. cities that are working to establish their own versions of the Chicago Jobs Council; and

WHEREAS, on June 13, 2001, the Chicago Jobs Council will celebrate its 20th anniversary and honor the contributions of those who have made its work possible over the years with a reception and dinner at the Chicago Historical Society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 13, 2001, as CHICAGO JOBS COUNCIL DAY in Illinois.

Issued by the Governor May 30, 2001.
Filed by the Secretary of State May 31, 2001.

2001-335

EAST ST. LOUIS LINCOLN MIDDLE SCHOOL DAY

WHEREAS, East St. Louis Lincoln Middle School, coached by Barry Malloyd, won the IESA Class 7AA and 8AA Boys Track and Field Championships 2001; and

WHEREAS, East St. Louis Lincoln Middle School became the second school in IESA history to win both 7th and 8th grade divisions; and

WHEREAS, the 7th grade IESA Champion Lincoln Tigers scored 92 points, the most points ever scored in IESA history; and

WHEREAS, the East St. Louis Lincoln Tigers set six new IESA state records; and

WHEREAS, the East St. Louis Lincoln Tigers went undefeated all track season; and

WHEREAS, the East St. Louis Tigers continue in the school's rich history and legacy of producing State champions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2, 2001, as EAST ST. LOUIS LINCOLN MIDDLE SCHOOL DAY in Illinois.

Issued by the Governor May 30, 2001.

Filed by the Secretary of State May 31, 2001.

2001-336

HARTLAND "HOP" CONNER DAY

WHEREAS, Hartland "Hop" Conner was born on Flag Day; and

WHEREAS, this year he will celebrate his 80th birthday; and

WHEREAS, Hartland served his country during WWII as a member of the Marine Corps stationed in the Philippines; and

WHEREAS, upon returning home, he started raising the flag at home high school football games and has continued this tradition for 52 straight years without missing a game; and

WHEREAS, Hartland worked with the local Little League program for over 15 years; and

WHEREAS, in the last 10 years, he has purchased more than 50 flags out of his own pocket for use at local businesses and organizations; and

WHEREAS, Hartland is very active in every local service and fraternal organization in the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2001, as HARTLAND "HOP" CONNER DAY in Illinois.

Issued by the Governor May 30, 2001.

Filed by the Secretary of State May 31, 2001.

2001-337

LANGHAM FAMILY REUNION DAYS

WHEREAS, Samuel Alvin Langham was born August 22, 1891, in Bond County, Illinois, and Helen Agnes Wise was born March 11, 1899, in Tamalco Township, Bond County, Illinois; and

WHEREAS, Alvin and Helen met at the Palmer School House where she was one of his students; and

WHEREAS, Alvin and Helen were married on January 28, 1917, in Greenville, Illinois; and

WHEREAS, their union produced eight children: Helen Wisene (Yzie), Joyce, Alvin Junior (A.J.), Virginia (Ginny), Dolores (Mummy), Dode, Max, and Ruth (Peach); and

WHEREAS, the Langham family established its roots in Tamalco, Illinois, where Alvin supported his family as a farmer and rural mail carrier; and

WHEREAS, each of Alvin and Helen's children eventually married and among them had 26 children; and

WHEREAS, the eight Langham siblings, their spouses and children regularly gathered at the family farm in Tamalco, and later in Greenville, until the deaths of Helen in November 1970 and Alvin in March 1972; and

WHEREAS, in July 1972, the Langham family established a new tradition with a reunion in Clinton, Illinois, where the Langham brothers and sisters gathered with their families to socialize, eat and play their favorite card game, Shanghai; and

WHEREAS, the Langham family members reside all over the United States, and to keep in touch, have continued that tradition by taking turns hosting reunions every few years in their home states; and

WHEREAS Langham family reunions have been held in Casper, WY (1973); Gainesville, FL (1975); St. Charles, IL (1977); Tacoma, WA (1980); Keyesport, IL (1982); Camarillo, CA (1985); Springfield, IL (1988); Gainesville, FL (1992); Minneapolis, MN (1995); and Indianapolis, IN (1998); and

WHEREAS, the Langham family, which has now grown to include over 50 great-grandchildren and 6 great-great-grandchildren is again returning to the family farm in Keyesport for their 12th reunion July 27-29;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 27-29, 2001, as LANGHAM FAMILY REUNION DAYS in Illinois.

Issued by the Governor May 30, 2001.

Filed by the Secretary of State May 31, 2001.

2001-338

MAE RUTH WADLINGTON CARR DAY

WHEREAS, Mae Ruth Wadlington Carr is retiring after more than 34 years as a dedicated teacher, scientist and administrator with the Chicago Public Schools; and

WHEREAS, she has served with great distinction in positions of leadership at the Nancy Jefferson Alternative School, Corliss High School, Lane Technical High School, Simeon Vocational High School and Herzel Elementary School; and

WHEREAS, Mae Ruth Wadlington Carr has also been affiliated with several organizations, including the Illinois Association of Chemistry Teachers, the Illinois and National Science Teachers Associations, the National Alliance of Black Educators Association, the Illinois Computer Educators Association, the National Association of Black Chemists and Chemical Engineers, the National Council of Negro Women, the Chicago Urban League, the National Association of Black Educators and the American Chemical Society; and

WHEREAS, she has been nominated for the Presidential Award for Excellence in Science and Mathematics teaching; and

WHEREAS, Mae Ruth Wadlington Carr is a recipient of the Principal Scholars Program Outstanding Science Teach Award, the University of Chicago's Elum-Kovier Educational Award, the Beatrice Caffery Youth Services Volunteer

Service Award and the United Negro College Fund Outstanding Citizen Award; and
 WHEREAS, she will be honored by educators, friends and family on June 22, 2001, at the Crystal Light Ballroom for her outstanding and dedicated service to children and education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22, 2001, as MAE RUTH WADLINGTON CARR DAY in Illinois.
 Issued by the Governor May 30, 2001.
 Filed by the Secretary of State May 31, 2001.

2001-339

ORANGEVILLE SESQUICENTENNIAL DAYS

WHEREAS, John Bower arrived at Orangeville, Illinois, in 1846, and helped found the growth of the community by rebuilding the defunct grist mill and planning the growth of the community; and

WHEREAS, Bower named the town after the Pennsylvania town of Orangeville in an attempt to attract additional settlers from the Keystone State; and

WHEREAS, during the mid 1800s, area farmers settled in Orangeville, and the town grew rapidly in the late 1800s due to the arrival of the railroad; and

WHEREAS, in the past two years, the Ritzman House, Union House and Central House have been listed on the National Register of Historic Places, and more than a dozen historically and architecturally significant buildings still stand, including the brick buildings in the downtown built between 1887 and 1888 and the State Bank of Orangeville built in 1926; and

WHEREAS, the railroad is once again playing an important role in the community, as a 14-mile section of the Illinois Central Railroad bed is being converted to the Jane Addams Recreation Trail; and

WHEREAS, one of the most scenic paths in the Illinois Trail System passes through Orangeville and requires almost all users to start in, pass through, or turn around in Orangeville; and

WHEREAS, Orangeville is celebrating its 150th anniversary June 7-10, 2001; and

WHEREAS, the Orangeville sesquicentennial will honor the founders and current residents who have set the stage for the village's movement into the next 150 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7-10, 2001, as ORANGEVILLE SESQUICENTENNIAL DAYS in Illinois.

Issued by the Governor May 30, 2001.

Filed by the Secretary of State May 31, 2001.

2001-340

SWEDISH FLAG DAY

WHEREAS, the Swedish Flag Day has been celebrated on June 6 since 1916, and the same day also became Sweden's National Day in 1983; and

WHEREAS, Swedish Flag Day has traditionally been celebrated on this day because the election of Gustav Vasa as the king of Sweden took place on June 6, 1523, and on this same date in 1809, Sweden adopted a new constitution which included the establishment of civil rights and liberties; and

WHEREAS, in 1846, the first Swedes came to Illinois and settled in Bishop Hill, and over one million Swedes migrated to the United States with many of them settling in the Quad Cities, Rockford and Chicago; and

WHEREAS, Swedish Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our State; and

WHEREAS, the Swedish Central Committee of Chicago will sponsor a Swedish Flag Day program at North Park University; and

WHEREAS, Wayne Peterson, President of the Swedish Central Committee, and Janet Nelson, Secretary, will present the "2001 Swede of the Year Award" to Rey Carlberg;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 2001, as SWEDISH FLAG DAY in Illinois.

Issued by the Governor May 30, 2001.

Filed by the Secretary of State May 31, 2001.

